

HOUSE SUBSTITUTE
FOR
HOUSE COMMITTEE SUBSTITUTE
FOR
HOUSE BILL NO. 1195

AN ACT

2 To repeal sections 209.309, 209.321, 209.322,
3 209.323, 317.011, 324.400, 324.403, 324.409,
4 324.415, 324.418, 324.421, 324.427, 324.430,
5 324.433, 328.080, 337.085, 337.507, 337.615,
6 337.665, 337.712, 339.010, 339.020, 339.030,
7 339.040, 339.060, 339.100, 339.105, 339.120,
8 339.130, 339.150, 339.160, 339.170, 339.180,
9 339.600, 339.603, 339.605, 339.606, 339.607,
10 339.608, 339.610, 339.612, 339.614, 339.617,
11 339.710, 339.760, 339.780, 339.800, 345.015,
12 346.135, 374.700, 374.705, 374.710, 374.715,
13 374.725, 374.730, 374.735, 374.740, 374.755,
14 374.757, 374.763, 374.765, 436.200, 436.205,
15 436.209, 436.212, 544.640, 544.650 620.127,
16 and 620.145, RSMo, and to enact in lieu
17 thereof eighty-eight new sections relating to
18 professional registration, with penalty
19 provisions.

20 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF MISSOURI,
21 AS FOLLOWS:

22 Section A. Sections 209.309, 209.321, 209.322, 209.323,
23 317.011, 324.400, 324.403, 324.409, 324.415, 324.418, 324.421,
24 324.427, 324.430, 324.433, 328.080, 337.085, 337.507, 337.615,
25 337.665, 337.712, 339.010, 339.020, 339.030, 339.040, 339.060,
26 339.100, 339.105, 339.120, 339.130, 339.150, 339.160, 339.170,
27 339.180, 339.600, 339.603, 339.605, 339.606, 339.607, 339.608,

1 339.610, 339.612, 339.614, 339.617, 339.710, 339.760, 339.780,
2 339.800, 345.015, 346.135, 374.700, 374.705, 374.710, 374.715,
3 374.725, 374.730, 374.735, 374.740, 374.755, 374.757, 374.763,
4 374.765, 436.200, 436.205, 436.209, 436.212, 544.640, 544.650
5 620.127, and 620.145, RSMo, are repealed and eighty-eight new
6 sections enacted in lieu thereof, to be known as sections
7 209.309, 209.321, 209.322, 209.323, 317.011, 324.400, 324.403,
8 324.409, 324.415, 324.418, 324.421, 324.427, 324.430, 324.433,
9 324.526, 328.075, 328.080, 337.085, 337.507, 337.615, 337.665,
10 337.712, 339.010, 339.020, 339.030, 339.040, 339.060, 339.100,
11 339.105, 339.120, 339.130, 339.150, 339.160, 339.170, 339.180,
12 339.710, 339.760, 339.780, 339.800, 345.015, 346.135, 374.695,
13 374.700, 374.702, 374.705, 374.710, 374.715, 374.716, 374.717,
14 374.719, 374.730, 374.735, 374.740, 374.755, 374.757, 374.759,
15 374.763, 374.764, 374.783, 374.784, 374.785, 374.786, 374.787,
16 374.788, 374.789, 436.215, 436.218, 436.221, 436.224, 436.227,
17 436.230, 436.233, 436.236, 436.239, 436.242, 436.245, 436.248,
18 436.251, 436.254, 436.257, 436.260, 436.263, 436.266, 436.269,
19 436.272, 544.640, 620.127, and 620.145, to read as follows:

20 209.309. 1. The board may offer provisional certification
21 to interpreters achieving a minimal level of certification
22 established by the board. A provisional certification is limited
23 to one year; during such year the interpreter must be reevaluated
24 and achieve the next higher level of certification. If an
25 evaluation slot is not available during the term of the

1 provisional license, the interpreter may be granted an extension.
2 A holder of a provisional certification may only be granted one
3 extension. A person nominated by a local public school district
4 in Missouri shall be granted a provisional public school
5 certificate when all of the following conditions are met:

6 (1) The local school district certifies that it was unable
7 to locate an interpreter certified and licensed under sections
8 209.319 to 209.339 and otherwise acceptable to the local school
9 district for employment, to accept the position;

10 (2) The local school district certifies that the person has
11 demonstrated the skills necessary for the assignment to the
12 satisfaction of the local school district;

13 (3) The local school district certifies that failure to
14 employ the person would to the best of their knowledge result in
15 noncompliance with applicable state or federal statutes or
16 regulations; and

17 (4) The person nominated certifies that he or she shall
18 begin the application process for the certification and licensure
19 requisite under section 209.319 to 209.339 within ninety days.

20 2. Provisional public school certificates shall be issued
21 within seventy-two hours of application containing the above
22 certifications and shall remain valid for eighteen months or
23 until the person obtains the certification and licensure
24 otherwise required under sections 209.319 to 209.339.

25 3. Provisional public school certificates may be revoked

1 when the person ends his or her employment with the school
2 district or if the person commits any of the actions listed in
3 subsections 1 to 5 of section 209.317.

4 209.321. 1. No person shall represent himself or herself
5 as an interpreter or engage in the practice of interpreting as
6 defined in section 209.285 as provided in subsection 6 of this
7 section in the state of Missouri unless such person is licensed
8 as required by the provisions of sections 209.319 to 209.339.

9 2. A person registered, certified or licensed by this
10 state, another state or any recognized national certification
11 agent, acceptable to the committee that allows that person to
12 practice any other occupation or profession in this state, is not
13 considered to be interpreting if he or she is in performance of
14 the occupation or profession for which he or she is registered,
15 certified or licensed. The professions referred to in this
16 subsection include, but are not limited to, physicians,
17 psychologists, nurses, certified public accountants, architects
18 and attorneys.

19 3. A licensed interpreter shall limit his or her practice
20 to demonstrated areas of competence as documented by relevant
21 professional education, training, experience and certification.
22 An interpreter not trained in an area shall not practice in that
23 area without obtaining additional relevant professional
24 education, training and experience through an acceptable program
25 as defined by rule by the Missouri commission for the deaf and

1 hard of hearing.

2 4. A person is not considered to be interpreting pursuant
3 to the provisions of this section if, in a casual setting and as
4 defined by rule, a person is acting as an interpreter
5 gratuitously or is engaged in interpreting incidental to
6 traveling.

7 5. A person is not considered to be interpreting pursuant
8 to the provisions of this section if a person is engaged as a
9 telecommunications operator providing deaf relay service or
10 operator services for the deaf.

11 6. A person is not considered to be interpreting under the
12 provisions of this section if the person is currently enrolled in
13 an interpreter training program which has been accredited by a
14 certifying agency and approved by the committee. The training
15 program shall offer a degree in interpreting from an accredited
16 institution of higher education. Persons exempted under this
17 provision shall engage only in activities and services that
18 constitute part of a supervised course of study and shall clearly
19 designate themselves by a title of student, practicum student,
20 student interpreter, trainee, or intern.

21 7. A person holding a current certification of license from
22 another state or a recognized national certification system
23 deemed acceptable by the committee is not considered to be
24 interpreting as defined in this chapter when temporarily present
25 in the state for the purpose of providing interpreting services

1 for a convention, conference, meeting, professional group, or
2 educational field trip.

3 8. A person granted a provisional certificate to interpret
4 in a public school shall not be subject to the regular
5 certification or licensure requirements of sections 209.319 to
6 209.339.

7 209.322. The board shall recognize the following
8 certificates:

9 (1) National Registry of Interpreters for the Deaf (NRID)
10 certificates, which include Comprehensive Skills Certificate
11 (CSC), Certificate of Interpreting/Certificate of Transliteration
12 (CI/CT) and Certified Deaf Interpreter (CDI); [and]

13 (2) National Association of the Deaf (NAD) certificate
14 levels 3, 4 and 5; and

15 (3) A provisional public school certificate.

16 209.323. 1. Applications for licensure as an interpreter
17 shall be submitted to the division on forms prescribed by the
18 division and furnished to the applicant. The application shall
19 contain the applicant's statements showing the applicant's
20 education, certification by either the National Registry of
21 Interpreters for the Deaf, National Association of the Deaf or
22 Missouri Interpreter Certification System and such other
23 information as the division may require. Each application shall
24 contain a statement that it is made under oath or affirmation and
25 that the information contained in the application is true and

1 correct to the best knowledge and belief of the applicant,
2 subject to the penalties, as provided in sections 209.319 to
3 209.339, for the making of a false affidavit or declaration.
4 Each application shall be accompanied by the required application
5 fee. The application fee must be submitted in a manner as
6 required by the committee and shall not be refundable. The
7 applicant must be eighteen years of age or older.

8 2. Each license issued pursuant to the provisions of
9 sections 209.319 to 209.339 shall expire on the renewal date.
10 The division shall mail a renewal notice to the last known
11 address of each licensee prior to the [registration] license
12 renewal date. The license will expire and renewal may be denied
13 upon failure of the licensee to provide the division with the
14 information required for [registration] renewal including but not
15 limited to satisfactory evidence of current certification or to
16 pay the required [registration] renewal fee within sixty days of
17 the [registration] license renewal date. The license may be
18 reinstated within two years after the [registration] renewal
19 date, if the applicant applies for reinstatement and pays the
20 required [registration] license renewal fee plus a delinquency
21 fee as established by the committee and provides evidence of
22 current certification.

23 3. Except as provided in section 209.321, the committee
24 with assistance from the division shall issue or renew a license
25 to each person who files an application and fee as required by

1 the provisions of sections 209.319 to 209.339 and who furnishes
2 satisfactory evidence to the committee that he has complied with
3 the provisions of subsection 1 or 2 of this section.

4 4. The committee may issue a new license to replace any
5 license which is lost, destroyed or mutilated upon payment of a
6 fee as provided by the committee.

7 317.011. 1. The division of professional registration
8 shall have the power, and it shall be its duty, to accept
9 application for and issue permits to hold professional boxing,
10 sparring, professional wrestling, professional kickboxing or
11 professional full-contact karate contests in the state of
12 Missouri, and to charge a fee for the issuance of same in an
13 amount established by rule; such funds to be paid to the division
14 of professional registration which shall pay such funds into the
15 state treasury to be set apart into the athletic fund.

16 2. The provisions of section 33.080, RSMo, to the contrary
17 notwithstanding, money in this fund shall not be transferred and
18 placed to the credit of general revenue until the amount in the
19 fund at the end of the biennium exceeds two times the amount of
20 the appropriation from the fund for the preceding fiscal year or,
21 if the division requires by rule renewal less frequently than
22 yearly then three times the appropriation from the fund for the
23 preceding fiscal year. The amount, if any, in the fund which
24 shall lapse is that amount in the fund which exceeds the
25 appropriate multiple of the appropriations from the fund for the

1 preceding fiscal year.

2 3. The division of professional registration shall not
3 grant any permit to hold professional boxing, sparring,
4 professional wrestling, professional kickboxing or professional
5 full-contact karate contests in the state of Missouri except:

6 (1) Where such professional boxing, sparring, professional
7 wrestling, professional kickboxing or professional full-contact
8 karate contest is to be held under the auspices of a promoter
9 duly licensed by the division;

10 (2) Where such contest shall be of not more than fifteen
11 rounds of three minutes each duration per bout; and

12 (3) Where a fee has been paid for such permit, in an amount
13 established by rule.

14 4. In such contests a decision shall be rendered by three
15 judges licensed by the division.

16 5. Specifically exempted from the provisions of chapter
17 317, are contests or exhibitions for amateur boxing, amateur
18 kick-boxing, amateur wrestling and amateur full-contact karate.
19 However, all amateur boxing, amateur kickboxing, amateur
20 wrestling and amateur full-contact karate must be sanctioned by a
21 nationally recognized amateur sanctioning body approved by the
22 office.

23 324.400. As used in sections 324.400 to 324.439, the
24 following terms mean:

25 (1) "Council", the interior design council created in

1 section 324.406;

2 (2) "Department", the department of economic development;

3 (3) "Division", the division of professional registration
4 of the department of economic development;

5 (4) "Registered [commercial] interior designer", a design
6 professional who provides services including preparation of
7 documents and specifications relative to nonload bearing interior
8 construction, furniture, finishes, fixtures and equipment and who
9 meets the criteria of education, experience and examination as
10 provided in sections 324.400 to 324.439.

11 324.403. No person may use the name or title, registered
12 [commercial] interior designer, in this state unless that person
13 is registered as required by sections 324.400 to 324.439.
14 Nothing in sections 324.400 to 324.439 shall be construed as
15 limiting or preventing the practice of a person's profession or
16 restricting a person from providing interior design services,
17 provided such person does not indicate to the public that such
18 person is registered as an interior designer pursuant to the
19 provisions of sections 324.400 to 324.439.

20 324.409. 1. To be a registered [commercial] interior
21 designer, a person:

22 (1) Shall take and pass or have passed the examination
23 administered by the National Council for Interior Design
24 Qualification or an equivalent examination approved by the
25 council. In addition to proof of passage of the examination, the

1 application shall provide substantial evidence to the council
2 that the applicant:

3 (a) Is a graduate of a five-year or four-year interior
4 design program from an accredited institution and has completed
5 at least two years of diversified and appropriate interior design
6 experience; or

7 (b) Has completed at least three years of an interior
8 design curriculum from an accredited institution and has
9 completed at least three years of diversified and appropriate
10 interior design experience; or

11 (c) Is a graduate of a two-year interior design program
12 from an accredited institution and has completed at least four
13 years of diversified and appropriate interior design experience;
14 or

15 (2) May qualify who is currently registered pursuant to
16 sections 327.091 to 327.171, RSMo, and section 327.401, RSMo,
17 pertaining to the practice of architecture and registered with
18 the council. Such applicant shall give authorization to the
19 council in order to verify current registration with sections
20 327.091 to 327.171, RSMo, and section 327.401, RSMo, pertaining
21 to the practice of architecture.

22 2. Verification of experience required pursuant to this
23 section shall be based on a minimum of five client references,
24 business or employment verification and five industry references,
25 submitted to the council.

1 3. The council shall verify if an applicant has complied
2 with the provisions of this section and has paid the required
3 fees, then the council shall recommend such applicant be
4 registered as a registered [commercial] interior designer by the
5 council.

6 324.415. Applications for registration as a registered
7 [commercial] interior designer shall be typewritten on forms
8 prescribed by the division and furnished to the applicant. The
9 application shall contain the applicant's statements showing the
10 applicant's education, experience, results of previous interior
11 design certification, registration or licensing examinations, if
12 any, and such other pertinent information as the council may
13 require, or architect's registration number and such other
14 pertinent information as the council may require. Each
15 application shall contain a statement that is made under oath or
16 affirmation and that the representations are true and correct to
17 the best knowledge and belief of the person signing the
18 application. The person shall be subject to the penalties for
19 making a false affidavit or declaration and shall be accompanied
20 by the required fee.

21 324.418. 1. The certificate of registration issued
22 biennially to a registered [commercial] interior designer
23 pursuant to sections 324.400 to 324.439 shall be renewed on or
24 before the certificate renewal date accompanied by the required
25 fee. The certificate of registration of a registered

1 [commercial] interior designer which is not renewed within three
2 months after the certificate renewal date shall be suspended
3 automatically, subject to the right of the holder to have the
4 suspended certificate of registration reinstated within nine
5 months of the date of suspension if the person pays the required
6 reinstatement fee. Any certificate of registration suspended and
7 not reinstated within nine months of the suspension date shall
8 expire and be void and the holder of such certificate shall have
9 no rights or privileges provided to holders of valid
10 certificates. Any person whose certificate of registration has
11 expired may, upon demonstration of current qualifications and
12 payment of required fees, be reregistered or reauthorized under
13 the person's original certificate of registration number.

14 2. Each application for the renewal or reinstatement of a
15 registration shall be on a form furnished to the applicant and
16 shall be accompanied by the required fees and proof of current
17 completion of at least one unit every two years of approved or
18 verifiable continuing education in interior design or
19 architecture, immediately prior to such renewal or reinstatement.
20 Ten contact hours constitutes one continuing education unit.
21 Five contact hours of teaching in interior design or architecture
22 constitutes one continuing education unit. One college course
23 credit in interior design or architecture constitutes one
24 continuing education unit.

25 324.421. The council shall register without examination,

1 any interior designer certified, licensed or registered in
2 another state or territory of the United States or foreign
3 country if the applicant has qualifications which are at least
4 equivalent to the requirements for registration as a registered
5 [commercial] interior designer in this state and such applicant
6 pays the required fees.

7 324.427. It is unlawful for any person to advertise or
8 indicate to the public that the person is a registered
9 [commercial] interior designer in this state, unless such person
10 is registered as a registered [commercial] interior designer by
11 the council and is in good standing pursuant to sections 324.400
12 to 324.439.

13 324.430. No person may use the designation registered
14 [commercial] interior designer in Missouri, unless the council
15 has issued a current certificate of registration certifying that
16 the person has been duly registered as a registered [commercial]
17 interior designer in Missouri and unless such registration has
18 been renewed or reinstated as provided in section 324.418.

19 324.433. The right to use the title of registered
20 [commercial] interior designer shall be deemed a personal right,
21 based upon the qualifications of the individual, evidenced by the
22 person's current certificate of registration and such certificate
23 is not transferable; except that, a registered [commercial]
24 interior designer may perform the interior designer's profession
25 through, or as a member of, or as an employee of, a partnership

1 or corporation.

2 324.526. 1. Notwithstanding any other law to the contrary,
3 the director of the division of professional registration shall
4 issue a temporary license to practice tattooing, body piercing,
5 or branding under the following requirements:

6 (1) The applicant for temporary licensure is entering the
7 state for the sole purpose of participating in a state or
8 national convention at which the applicant will be practicing the
9 profession of tattooing, body piercing, or branding;

10 (2) The applicant files a completed application with the
11 division at least two days prior to the start of the convention
12 and tenders a fee of fifty dollars; and

13 (3) The applicant is otherwise qualified for licensure
14 under section 324.520 to 324.526 and the rule promulgated under
15 the authority of this statute.

16 2. A temporary license to practice tattooing, body
17 piercing, or branding issued under this section shall be valid
18 for a period not to exceed fourteen days and shall not be
19 renewable.

20 3. Notwithstanding the requirements of sections 620.127 and
21 620.145, RSMo, an applicant for temporary licensure under this
22 section shall not be required to provide a Social Security number
23 if the application is submitted by a citizen of a foreign country
24 who has not yet been issued a Social Security number and who
25 previously has not been licensed by any other state, United

1 States territory, or federal agency. A citizen of a foreign
2 country who applies for a temporary permit under this section
3 shall provide the division of professional registration with his
4 or her visa or passport identification number in lieu of the
5 Social Security number.

6 328.075. 1. Any person desiring to practice as an
7 apprentice for barbering in this state shall apply to the board,
8 registered as an apprentice with the board, and shall pay the
9 appropriate fees prior to beginning their apprenticeship. Barber
10 apprentices shall be of good moral character and shall be at
11 least seventeen years of age.

12 2. Any person desiring to act as an apprentice supervisor
13 for barbering in this state shall first possess a license to
14 practice the occupation of barbering, apply to the board, pay the
15 appropriate fees, complete an eight-hour apprentice supervision
16 instruction course certified by the board, and be issued a
17 certificate of registration as a barber apprentice supervisor
18 prior to supervising barber apprentices.

19 3. The board may promulgate rules establishing the criteria
20 for the supervision and training of barber apprentices.

21 4. Any rule or portion of a rule, as that term is defined
22 in section 536.010, RSMo, that is created under the authority
23 delegated in this section shall become effective only if it
24 complies with and is subject to all of the provisions of chapter
25 536, RSMo, and, if applicable, section 536.028, RSMo. This

1 section and chapter 536, RSMo, are nonseverable and if any of the
2 powers vested with the general assembly pursuant to chapter 536,
3 RSMo, to review, to delay the effective date, or to disapprove
4 and annul a rule are subsequently held unconstitutional, then the
5 grant of rulemaking authority and any rule proposed or adopted
6 after August 28, 2004, shall be invalid and void.

7 328.080. 1. Any person desiring to practice barbering in
8 this state shall make application for a certificate to the board
9 and shall pay the required barber examination fee. He or she
10 shall be present at the next regular meeting of the board for the
11 examination of applicants.

12 2. The board shall examine the applicant and, upon
13 successful completion of the examination and payment of the
14 required registration fee, shall issue to him or her a
15 certificate of registration authorizing him or her to practice
16 the trade in this state and enter his name in the register herein
17 provided for, if it finds that he or she:

18 (1) Is seventeen years of age or older and of good moral
19 character;

20 (2) Is free of contagious or infectious diseases;

21 (3) Has studied for at least one thousand hours in a period
22 of not less than six months in a properly appointed and conducted
23 barber school under the direct supervision of a licensed
24 instructor; or, if the applicant is an apprentice, the applicant
25 shall have served and completed no less than two thousand hours

1 under the direct supervision of a licensed barber apprentice
2 supervisor;

3 (4) Is possessed of requisite skill in the trade of
4 barbering to properly perform the duties thereof, including the
5 preparation of tools, shaving, haircutting and all the duties and
6 services incident thereto; and

7 (5) Has sufficient knowledge of the common diseases of the
8 face and skin to avoid the aggravation and spread thereof in the
9 practice of barbering.

10 3. The board shall be the judge of whether the barber
11 school, the barber apprenticeship, or college is properly
12 appointed and conducted under proper instruction to give
13 sufficient training in the trade.

14 4. The sufficiency of the qualifications of applicants
15 shall be determined by the board.

16 5. For the purposes of meeting the minimum requirements for
17 examination, the apprentice training shall be recognized by the
18 board for a period not to exceed five years.

19 337.085. 1. There is hereby established in the state
20 treasury a fund to be known as the "State Committee of
21 Psychologists Fund". All fees of any kind and character
22 authorized under sections 337.010 to 337.090 to be charged by the
23 committee or division shall be collected by the director of the
24 division of professional registration and shall be transmitted to
25 the department of revenue for deposit in the state treasury for

1 credit to this fund. Such funds, upon appropriation, shall be
2 disbursed only in payment of expenses of maintaining the
3 committee and for the enforcement of the provisions of law
4 concerning professions regulated by the committee. No other
5 money shall be paid out of the state treasury for carrying out
6 these provisions. Warrants shall be issued on the state
7 treasurer for payment out of the fund.

8 2. The provisions of section 33.080, RSMo, to the contrary
9 notwithstanding, money in this fund shall not be transferred and
10 placed to the credit of general revenue until the amount in the
11 fund at the end of the biennium exceeds two times the amount of
12 the appropriation from the committee's fund for the preceding
13 fiscal year or, if the committee requires by rule renewal less
14 frequently than yearly then three times the appropriation from
15 the committee's fund for the preceding fiscal year. The amount,
16 if any, in the fund which shall lapse is that amount in the fund
17 which exceeds the appropriate multiple of the appropriations from
18 the committee's fund for the preceding fiscal year.

19 3. All funds pertaining to the Missouri state committee of
20 psychologists deposited in the state treasury to the credit of
21 the committee of registration for the healing arts fund shall be
22 transferred from that fund to the state committee of
23 psychologists fund by the division director.

24 337.507. 1. Applications for examination and licensure as
25 a professional counselor shall be in writing, submitted to the

1 division on forms prescribed by the division and furnished to the
2 applicant. The application shall contain the applicant's
3 statements showing his education, experience and such other
4 information as the division may require. Each application shall
5 contain a statement that it is made under oath or affirmation and
6 that the information contained therein is true and correct to the
7 best knowledge and belief of the applicant, subject to the
8 penalties provided for the making of a false affidavit or
9 declaration. Each application shall be accompanied by the fees
10 required by the committee.

11 2. The division shall mail a renewal notice to the last
12 known address of each licensee prior to the registration renewal
13 date. Failure to provide the division with the information
14 required for registration, or to pay the registration fee after
15 such notice shall effect a revocation of the license after a
16 period of sixty days from the registration renewal date. The
17 license shall be restored if, within two years of the
18 registration date, the applicant provides written application and
19 the payment of the registration fee and a delinquency fee.

20 3. A new certificate to replace any certificate lost,
21 destroyed or mutilated may be issued subject to the rules of the
22 committee, upon payment of a fee.

23 4. The committee shall set the amount of the fees which
24 sections 337.500 to 337.540 authorize and require by rules and
25 regulations promulgated pursuant to section 536.021, RSMo. The

1 fees shall be set at a level to produce revenue which shall not
2 substantially exceed the cost and expense of administering the
3 provisions of sections 337.500 to 337.540. All fees provided for
4 in sections 337.500 to 337.540 shall be collected by the director
5 who shall deposit the same with the state treasurer in a fund to
6 be known as the "Committee of Professional Counselors Fund".

7 5. The provisions of section 33.080, RSMo, to the contrary
8 notwithstanding, money in this fund shall not be transferred and
9 placed to the credit of general revenue until the amount in the
10 fund at the end of the biennium exceeds two times the amount of
11 the appropriation from the committee's fund for the preceding
12 fiscal year or, if the committee requires by rule renewal less
13 frequently than yearly then three times the appropriation from
14 the committee's fund for the preceding fiscal year. The amount,
15 if any, in the fund which shall lapse is that amount in the fund
16 which exceeds the appropriate multiple of the appropriations from
17 the committee's fund for the preceding fiscal year.

18 6. The committee shall hold public examinations at least
19 two times per year, at such times and places as may be fixed by
20 the committee, notice of such examinations to be given to each
21 applicant at least ten days prior thereto.

22 337.615. 1. Each applicant for licensure as a clinical
23 social worker shall furnish evidence to the committee that:

24 (1) The applicant has a master's degree from a college or
25 university program of social work accredited by the council of

1 social work education or a doctorate degree from a school of
2 social work acceptable to the committee;

3 (2) The applicant has twenty-four months of supervised
4 clinical experience acceptable to the committee, as defined by
5 rule;

6 (3) The applicant has achieved a passing score, as defined
7 by the committee, on an examination approved by the committee.
8 The eligibility requirements for such examination shall be
9 promulgated by rule of the committee;

10 (4) The applicant is at least eighteen years of age, is of
11 good moral character, is a United States citizen or has status as
12 a legal resident alien, and has not been convicted of a felony
13 during the ten years immediately prior to application for
14 licensure.

15 2. Any person [not a resident of this state] holding a
16 valid unrevoked and unexpired license, certificate or
17 registration from another state or territory of the United States
18 having substantially the same requirements as this state for
19 clinical social workers may be granted a license to engage in the
20 person's occupation in this state upon application to the
21 committee accompanied by the appropriate fee as established by
22 the committee pursuant to section 337.612.

23 3. The committee shall issue a license to each person who
24 files an application and fee as required by the provisions of
25 sections 337.600 to 337.639 and who furnishes evidence

1 satisfactory to the committee that the applicant has complied
2 with the provisions of subdivisions (1) to (4) of subsection 1 of
3 this section or with the provisions of subsection 2 of this
4 section. The committee shall issue a provisional clinical social
5 worker license to any applicant who meets all requirements of
6 subdivisions (1), (3) and (4) of subsection 1 of this section,
7 but who has not completed the twenty-four months of supervised
8 clinical experience required by subdivision (2) of subsection 1
9 of this section, and such applicant may reapply for licensure as
10 a clinical social worker upon completion of the twenty-four
11 months of supervised clinical experience.

12 337.665. 1. Each applicant for licensure as a
13 baccalaureate social worker shall furnish evidence to the
14 committee that:

15 (1) The applicant has a baccalaureate degree in social work
16 from an accredited social work degree program approved by the
17 council of social work education;

18 (2) The applicant has achieved a passing score, as defined
19 by the committee, on an examination approved by the committee.
20 The eligibility requirements for such examination shall be
21 determined by the state committee for social work;

22 (3) The applicant has completed three thousand hours of
23 supervised baccalaureate experience with a licensed clinical
24 social worker or licensed baccalaureate social worker in no less
25 than twenty-four and no more than forty-eight consecutive

1 calendar months;

2 (4) The applicant is at least eighteen years of age, is of
3 good moral character, is a United States citizen or has status as
4 a legal resident alien, and has not been convicted of a felony
5 during the ten years immediately prior to application for
6 licensure;

7 (5) The applicant has submitted a written application on
8 forms prescribed by the state board;

9 (6) The applicant has submitted the required licensing fee,
10 as determined by the division.

11 2. Any applicant who answers in the affirmative to any
12 question on the application that relates to possible grounds for
13 denial of licensure pursuant to section 337.680 shall submit a
14 sworn affidavit setting forth in detail the facts which explain
15 such answer and copies of appropriate documents related to such
16 answer.

17 3. Any person [not a resident of this state] holding a
18 valid unrevoked and unexpired license, certificate or
19 registration from another state or territory of the United States
20 having substantially the same requirements as this state for
21 baccalaureate social workers may be granted a license to engage
22 in the person's occupation in this state upon application to the
23 committee accompanied by the appropriate fee as established by
24 the committee pursuant to section 337.662.

25 4. The committee shall issue a license to each person who

1 files an application and fee as required by the provisions of
2 sections 337.650 to 337.689 and who furnishes evidence
3 satisfactory to the committee that the applicant has complied
4 with the provisions of subsection 1 of this section or with the
5 provisions of subsection 2 of this section. The committee shall
6 issue a one-time provisional baccalaureate social worker license
7 to any applicant who meets all requirements of subdivisions (1),
8 (2), (4), (5) and (6) of subsection 1 of this section, but who
9 has not completed the supervised baccalaureate experience
10 required by subdivision (3) of subsection 1 of this section, and
11 such applicant may apply for licensure as a baccalaureate social
12 worker upon completion of the supervised baccalaureate
13 experience.

14 337.712. 1. Applications for licensure as a marital and
15 family therapist shall be in writing, submitted to the division
16 on forms prescribed by the division and furnished to the
17 applicant. The application shall contain the applicant's
18 statements showing the applicant's education, experience and such
19 other information as the division may require. Each application
20 shall contain a statement that it is made under oath or
21 affirmation and that the information contained therein is true
22 and correct to the best knowledge and belief of the applicant,
23 subject to the penalties provided for the making of a false
24 affidavit or declaration. Each application shall be accompanied
25 by the fees required by the division.

1 2. The division shall mail a renewal notice to the last
2 known address of each licensee prior to the licensure renewal
3 date. Failure to provide the division with the information
4 required for license, or to pay the licensure fee after such
5 notice shall effect a revocation of the license after a period of
6 sixty days from the licensure renewal date. The license shall be
7 restored if, within two years of the licensure date, the
8 applicant provides written application and the payment of the
9 licensure fee and a delinquency fee.

10 3. A new certificate to replace any certificate lost,
11 destroyed or mutilated may be issued subject to the rules of the
12 division upon payment of a fee.

13 4. The division shall set the amount of the fees
14 authorized. The fees shall be set at a level to produce revenue
15 which shall not substantially exceed the cost and expense of
16 administering the provisions of sections 337.700 to 337.739. All
17 fees provided for in sections 337.700 to 337.739 shall be
18 collected by the director who shall deposit the same with the
19 state treasurer to a fund to be known as the "Marital and Family
20 Therapists' Fund".

21 5. The provisions of section 33.080, RSMo, to the contrary
22 notwithstanding, money in this fund shall not be transferred and
23 placed to the credit of general revenue until the amount in the
24 fund at the end of the biennium exceeds two times the amount of
25 the appropriations from the marital and family therapists' fund

1 for the preceding fiscal year or, if the division requires by
2 rule renewal less frequently than yearly then three times the
3 appropriation from the fund for the preceding fiscal year. The
4 amount, if any, in the fund which shall lapse is that amount in
5 the fund which exceeds the appropriate multiple of the
6 appropriations from the marital and family therapists' fund for
7 the preceding fiscal year.

8 339.010. 1. A "real estate broker" is any person,
9 partnership, association, or corporation, foreign or domestic
10 who, for another, and for a compensation or valuable
11 consideration, [as a whole or partial vocation,] does, or
12 attempts to do, any or all of the following:

13 (1) Sells, exchanges, purchases, rents, or leases real
14 estate;

15 (2) Offers to sell, exchange, purchase, rent or lease real
16 estate;

17 (3) Negotiates or offers or agrees to negotiate the sale,
18 exchange, purchase, rental or leasing of real estate;

19 (4) Lists or offers or agrees to list real estate for sale,
20 lease, rental or exchange;

21 (5) Buys, sells, offers to buy or sell or otherwise deals
22 in options on real estate or improvements thereon;

23 (6) Advertises or holds himself or herself out as a
24 licensed real estate broker while engaged in the business of
25 buying, selling, exchanging, renting, or leasing real estate;

1 (7) Assists or directs in the procuring of prospects,
2 calculated to result in the sale, exchange, leasing or rental of
3 real estate;

4 (8) Assists or directs in the negotiation of any
5 transaction calculated or intended to result in the sale,
6 exchange, leasing or rental of real estate;

7 (9) Engages in the business of charging to an unlicensed
8 person an advance fee in connection with any contract whereby the
9 real estate broker undertakes to promote the sale of that
10 person's real estate through its listing in a publication issued
11 for such purpose intended to be circulated to the general public;

12 (10) Performs any of the foregoing acts as an employee of,
13 or on behalf of, the owner of real estate, or interest therein,
14 or improvements affixed thereon, for compensation.

15 2. A "real estate salesperson" is any person, who for a
16 compensation or valuable consideration becomes associated, either
17 as an independent contractor or employee, either directly or
18 indirectly, with a real estate broker to do any of the things
19 above mentioned[, as a whole or partial vocation]. The
20 provisions of sections 339.010 to 339.180 and sections 339.710 to
21 339.860 shall not be construed to deny a real estate salesperson
22 who is compensated solely by commission the right to be
23 associated with a broker as an independent contractor.

24 3. The term "commission" as used in sections 339.010 to
25 339.180 and sections 339.710 to 339.860 means the Missouri real

1 estate commission.

2 4. "Real estate" for the purposes of sections 339.010 to
3 339.180 and sections 339.710 to 339.860 shall mean, and include,
4 leaseholds, as well as any other interest or estate in land,
5 whether corporeal, incorporeal, freehold or nonfreehold, and
6 [whether] the real estate is situated in this state [or
7 elsewhere].

8 5. The provisions of sections 339.010 to 339.180 and
9 sections 339.710 to 339.860 shall not apply to:

10 (1) Any person, partnership, association, or corporation
11 who as owner [or], lessor, or lessee shall perform any of the
12 acts described in subsection 1 of this section with reference to
13 property owned or leased by them, or to the regular employees
14 thereof, provided such owner [or], lessor, or lessee is not
15 engaged in the real estate business [as a vocation];

16 (2) Any licensed attorney-at-law;

17 (3) An auctioneer employed by the owner of the property;

18 (4) Any person acting as receiver, trustee in bankruptcy,
19 administrator, executor, or guardian or while acting under a
20 court order or under the authority of a will, trust instrument or
21 deed of trust or as a witness in any judicial proceeding or other
22 proceeding conducted by the state or any governmental subdivision
23 or agency;

24 (5) Any person employed or retained to manage real property
25 by, for, or on behalf of, the agent or the owner, of any real

1 estate shall be exempt from holding a license, if the person is
2 limited to one or more of the following activities:

3 (a) Delivery of a lease application, a lease, or any
4 amendment thereof, to any person;

5 (b) Receiving a lease application, lease, or amendment
6 thereof, a security deposit, rental payment, or any related
7 payment, for delivery to, and made payable to, a broker or owner;

8 (c) Showing a rental unit to any person, as long as the
9 employee is acting under the direct instructions of the broker or
10 owner, including the execution of leases or rental agreements;

11 (d) Conveying information prepared by a broker or owner
12 about a rental unit, a lease, an application for lease, or the
13 status of a security deposit, or the payment of rent, by any
14 person;

15 (e) Assisting in the performance of brokers' or owners'
16 functions, administrative, clerical or maintenance tasks;

17 (f) If the person described in this section is employed or
18 retained by, for, or on behalf of a real estate broker, the real
19 estate broker shall be subject to discipline under this chapter
20 for any conduct of the person that violates this chapter or the
21 regulations promulgated thereunder;

22 (6) Any officer or employee of a federal agency or the
23 state government or any political subdivision thereof performing
24 official duties;

25 (7) Railroads and other public utilities regulated by the

1 state of Missouri, or their subsidiaries or affiliated
2 corporations, or to the officers or regular employees thereof,
3 unless performance of any of the acts described in subsection 1
4 of this section is in connection with the sale, purchase, lease
5 or other disposition of real estate or investment therein
6 unrelated to the principal business activity of such railroad or
7 other public utility or affiliated or subsidiary corporation
8 thereof;

9 (8) Any bank, trust company, savings and loan association,
10 credit union, insurance company, mortgage banker, or farm loan
11 association organized under the laws of this state or of the
12 United States when engaged in the transaction of business on its
13 own behalf and not for others;

14 (9) Any newspaper [or]_ magazine [or]_ periodical [of
15 general circulation], or Internet site whereby the advertising of
16 real estate is incidental to [the] its operation [of that
17 publication] or to any form of communications regulated or
18 licensed by the Federal Communications Commission or any
19 successor agency or commission;

20 (10) Any developer selling Missouri land owned by the
21 developer [if such developer has on file with the commission a
22 certified copy of a currently effective statement of record on
23 file with the Office of Interstate Land Sales pursuant to
24 Sections 1704 through 1706 of Title 15 of the United States Code
25 or a current statement from the Office of Interstate Land Sales

1 of the United States Department of Housing and Urban Development
2 approving the documentation (together with a copy of such
3 documentation) submitted to that office with respect to real
4 estate falling within the scope of subsection 1702(a)(10) of
5 Title 15 of the United States Code];

6 (11) Any employee acting on behalf of a nonprofit
7 community, or regional economic development association, agency
8 or corporation which has as its principal purpose the general
9 promotion and economic advancement of the community at large,
10 provided that such entity:

11 (a) Does not offer such property for sale, lease, rental or
12 exchange on behalf of another person or entity;

13 (b) Does not list or offer or agree to list such property
14 for sale, lease, rental or exchange; or

15 (c) Receives no fee, commission or compensation, either
16 monetary or in kind, that is directly related to sale or disposal
17 of such properties. An economic developer's normal annual
18 compensation shall be excluded from consideration as commission
19 or compensation related to sale or disposal of such properties;
20 or

21 (12) Any neighborhood association, as that term is defined
22 in section 441.500, RSMo, that without compensation, either
23 monetary or in kind, provides to prospective purchasers or
24 lessors of property the asking price, location, and contact
25 information regarding properties in and near the association's

1 neighborhood, including any publication of such information in a
2 newsletter, [web] Internet site, or other medium.

3 339.020. It shall be unlawful for any person, partnership,
4 association, or corporation, foreign or domestic, to act as a
5 real estate broker or real estate salesperson, or to advertise or
6 assume to act as such without a license first procured from the
7 commission.

8 339.030. A corporation, partnership, or association shall
9 be granted a license when individual licenses have been issued to
10 every member, partner or officer of such partnership,
11 association, or corporation who actively participates in its
12 brokerage business and to every person who acts as a salesperson
13 for such partnership, association, or corporation and when the
14 required fee is paid.

15 339.040. 1. Licenses shall be granted only to persons who
16 present, and corporations, associations, or partnerships whose
17 officers, associates, or partners present, satisfactory proof to
18 the commission that they:

19 (1) Are persons of good moral character; and

20 (2) Bear a good reputation for honesty, integrity, and fair
21 dealing; and

22 (3) Are competent to transact the business of a broker or
23 salesperson in such a manner as to safeguard the interest of the
24 public.

25 2. In order to determine an applicant's qualifications to

1 receive a license under sections 339.010 to 339.180 and sections
2 339.710 to 339.860, the commission shall hold oral or written
3 examinations at such times and places as the commission may
4 determine.

5 3. Each applicant for a broker or salesperson license shall
6 be at least eighteen years of age and shall pay the broker
7 examination fee or the salesperson examination fee.

8 4. Each applicant for a broker license shall be required to
9 have satisfactorily completed the salesperson license examination
10 prescribed by the commission. For the purposes of this section
11 only, the commission may permit a person who is not associated
12 with a licensed broker to take the salesperson examination.

13 5. Each application for a broker license shall include a
14 certificate from the applicant's broker or brokers that the
15 applicant has been actively engaged in the real estate business
16 as a licensed salesperson for at least one year immediately
17 preceding the date of application, or, in lieu thereof, shall
18 include a certificate from a school accredited by the commission
19 under the provisions of section 339.045 that the applicant has,
20 within six months prior to the date of application, successfully
21 completed the prescribed broker curriculum or broker
22 correspondence course offered by such school, except that the
23 commission may waive all or part of the educational requirements
24 set forth in this subsection when an applicant presents proof of
25 other educational background or experience acceptable to the

1 commission.

2 6. Each application for a salesperson license shall include
3 a certificate from a school accredited by the commission under
4 the provisions of section 339.045 that the applicant has, within
5 six months prior to the date of application, successfully
6 completed the prescribed salesperson curriculum or salesperson
7 correspondence course offered by such school, except that the
8 commission may waive all or part of the educational requirements
9 set forth in this subsection when an applicant presents proof of
10 other educational background or experience acceptable to the
11 commission.

12 7. ~~【The commission shall require】~~ The commission may issue
13 a temporary work permit pending final review and printing of the
14 license to an applicant who appears to have satisfied the
15 requirements for licenses. The commission may, at its
16 discretion, withdraw the work permit at any time.

17 8. Every active broker, salesperson, officer ~~【or】~~, partner
18 ~~【to present upon license renewal】~~, or associate shall provide
19 upon request to the commission evidence that during the two years
20 preceding he or she has completed twelve hours of real estate
21 instruction in courses approved by the commission. The
22 commission may, by rule and regulation, provide for individual
23 waiver of this requirement.

24 ~~【8.】~~ 9. Each entity that provides continuing education
25 required under the provisions of subsection ~~【7】~~ 8 of this section

1 may make available [videotapes and audiotapes of] instruction
2 courses that the entity conducts through means of distance
3 delivery. The commission shall by rule set standards for [the
4 production of] such [taped] courses[, which may include the
5 requirement that individuals purchasing such tapes also purchase
6 an accompanying written study document. The commission shall
7 authorize individuals required to complete instruction under the
8 provisions of this subsection to fulfill such continuing
9 education requirements by utilizing such videotape and audiotape
10 courses]. The commission may by regulation require the
11 individual completing such [videotape or audiotape] distance
12 delivered course to complete an examination on the contents of
13 the course. Such examination shall be designed to ensure that
14 the licensee displays adequate knowledge of the subject matter of
15 the course, and shall be designed by the entity producing the
16 [taped] course and approved by the commission.

17 [9.] 10. In the event of the death or incapacity of a
18 licensed broker, or of one or more of the licensed partners [or],
19 officers, or associates of a real estate partnership [or],
20 corporation, or association whereby the affairs of the broker,
21 partnership, or corporation cannot be carried on, the commission
22 may issue, without examination or fee, to the legal
23 representative or representatives of the deceased or
24 incapacitated individual, or to another individual approved by
25 the commission, a temporary broker license which shall authorize

1 such individual to continue for a period to be designated by the
2 commission to transact business for the sole purpose of winding
3 up the affairs of the broker, partnership or corporation under
4 the supervision of the commission.

5 339.060. 1. The commission shall set the amount of the
6 fees which sections 339.010 to 339.180 and sections 339.710 to
7 339.860 authorize and require by rules and regulations
8 promulgated pursuant to section 536.021, RSMo. The fees shall be
9 set at a level to produce revenue which shall not substantially
10 exceed the cost and expense of administering sections 339.010 to
11 339.180 and sections 339.710 to 339.860.

12 2. Every license granted under sections 339.010 to 339.180
13 and sections 339.710 to 339.860 shall be renewed each licensing
14 period and the commission shall issue a new license upon receipt
15 of the [written] properly completed application of the applicant
16 and the required renewal fee.

17 339.100. 1. The commission may, upon its own motion, and
18 shall upon receipt of a written complaint filed by any person,
19 investigate any [business transaction] real estate-related
20 activity of a [person, partnership or corporation] licensee
21 licensed under sections 339.010 to 339.180 and sections 339.710
22 to 339.860 or an individual or entity acting as or representing
23 themselves as a real estate licensee. In conducting such
24 investigation, if the questioned activity or written complaint
25 involves an affiliated licensee, the commission may forward a

1 copy of the information received to the affiliated licensee's
2 designated broker. The commission shall have the power to hold
3 an investigatory hearing to determine whether there is a
4 probability [that the licensee has performed or attempted to
5 perform any act or practice declared unlawful pursuant to] of a
6 violation of sections 339.010 to 339.180 and sections 339.710 to
7 339.860. [In conducting such a hearing,] The commission shall
8 have the power to issue a subpoena to compel the production of
9 records and papers bearing on the complaint. The commission
10 shall have the power to issue a subpoena and to compel any person
11 in this state to come before the commission to offer testimony or
12 any material specified in the subpoena. Subpoenas and subpoenas
13 duces tecum issued pursuant to this section shall be served in
14 the same manner as subpoenas in a criminal case. The fees and
15 mileage of witnesses shall be the same as that allowed in the
16 circuit court in civil cases.

17 2. The commission may cause a complaint to be filed with
18 the administrative hearing commission as provided by [law when
19 the commission believes there is a probability that a licensee
20 has performed or attempted to perform any] the provisions of
21 chapter 621, RSMo, against any person or entity licensed under
22 this chapter or any licensee who has failed to renew or has
23 surrendered his or her individual or entity license for any one
24 or any combination of the following acts:

25 (1) Failure to maintain and deposit in a special account,

1 separate and apart from his or her personal or other business
2 accounts, all moneys belonging to others entrusted to him or her
3 while acting as a real estate broker[, or as escrow agent,] or as
4 the temporary custodian of the funds of others, until the
5 transaction involved is consummated or terminated, unless all
6 parties having an interest in the funds have agreed otherwise in
7 writing;

8 (2) Making substantial misrepresentations or false promises
9 or suppression, concealment or omission of material facts in the
10 conduct of his or her business or pursuing a flagrant and
11 continued course of misrepresentation through agents,
12 salespersons, advertising or otherwise in any transaction;

13 (3) Failing within a reasonable time to account for or to
14 remit any moneys, valuable documents or other property, coming
15 into his or her possession, which belongs to others;

16 (4) Representing to any lender, guaranteeing agency, or any
17 other interested party, either verbally or through the
18 preparation of false documents, an amount in excess of the true
19 and actual sale price of the real estate or terms differing from
20 those actually agreed upon;

21 (5) Failure to timely deliver[, immediately at the time of
22 signing,] a duplicate original of any and all instruments to any
23 party or parties executing the same where the instruments have
24 been prepared by the licensee or under his or her supervision or
25 are within his or her control, including, but not limited to, the

1 instruments relating to the employment of the licensee or to any
2 matter pertaining to the consummation of a lease, listing
3 agreement or the purchase, sale, exchange or lease of property,
4 or any type of real estate transaction in which he or she may
5 participate as a licensee;

6 (6) Acting for more than one party in a transaction without
7 the knowledge of all parties for whom he or she acts, or
8 accepting a commission or valuable consideration for services
9 from more than one party in a real estate transaction without the
10 knowledge of all parties to the transaction;

11 (7) Paying a commission or valuable consideration to any
12 person for acts or services performed in violation of sections
13 339.010 to 339.180 and sections 339.710 to 339.860;

14 (8) Guaranteeing or having authorized or permitted any
15 licensee to guarantee future profits which may result from the
16 resale of real property;

17 (9) Having been finally adjudicated and been found guilty
18 of the violation of any state or federal statute which governs
19 the sale or rental of real property or the conduct of the real
20 estate business as defined in subsection 1 of section 339.010;

21 (10) Obtaining a certificate or registration of authority,
22 permit or license for himself or herself or anyone else by false
23 or fraudulent representation, fraud or deceit;

24 (11) Representing a real estate broker other than the
25 broker with whom associated without the express [knowledge and]

1 written consent of [that] the broker[, or] with whom associated;

2 (12) Accepting a commission or valuable consideration for
3 the performance of any of the acts referred to in section 339.010
4 from any person except the broker with whom associated at the
5 time the commission or valuable consideration was earned;

6 [(12)] (13) Using prizes, money, gifts or other valuable
7 consideration as inducement to secure customers or clients to
8 purchase, lease, sell or list property when the awarding of such
9 prizes, money, gifts or other valuable consideration is
10 conditioned upon the purchase, lease, sale or listing; or
11 soliciting, selling or offering for sale real property by
12 offering free lots, or conducting lotteries or contests, or
13 offering prizes for the purpose of influencing a purchaser or
14 prospective purchaser of real property;

15 [(13)] (14) Placing a sign on or advertising any property
16 offering it for sale or rent without the written consent of the
17 owner or his or her duly authorized agent;

18 [(14)] (15) Violation of, or attempting to violate,
19 directly or indirectly, or assisting or enabling any person to
20 violate, any provision of sections 339.010 to 339.180 and
21 sections 339.710 to 339.860, or of any lawful rule adopted
22 pursuant to sections 339.010 to 339.180 and sections 339.710 to
23 339.860;

24 [(15)] (16) Committing any act which would otherwise be
25 grounds for the commission to refuse to issue a license under

1 section 339.040;

2 [(16)] (17) Failure to [submit] timely inform seller of all
3 written [bona fide] offers [to a seller when such offers are
4 received prior to the seller accepting an offer in writing and
5 until the licensee has knowledge of such acceptance] unless
6 otherwise instructed in writing by the seller;

7 [(17)] (18) Been finally adjudicated and found guilty, or
8 entered a plea of guilty or nolo contendere, in a criminal
9 prosecution under the laws of this state or any other state or of
10 the United States, for any offense reasonably related to the
11 qualifications, functions or duties of any profession licensed or
12 regulated under this chapter, for any offense an essential
13 element of which is fraud, dishonesty or an act of violence, or
14 for any offense involving moral turpitude, whether or not
15 sentence is imposed;

16 [(18)] (19) Any other conduct which constitutes
17 untrustworthy, improper or fraudulent business dealings, [or]
18 demonstrates bad faith or [gross] incompetence, misconduct, or
19 gross negligence;

20 [(19)] (20) Disciplinary action against the holder of a
21 license or other right to practice any profession regulated under
22 sections 339.010 to 339.180 and sections 339.710 to 339.860
23 granted by another state, territory, federal agency, or country
24 upon grounds for which revocation, suspension, or probation is
25 authorized in this state;

1 [(20)] (21) Been found by a court of competent jurisdiction
2 of having used any controlled substance, as defined in chapter
3 195, RSMo, to the extent that such use impairs a person's ability
4 to perform the work of any profession licensed or regulated by
5 sections 339.010 to 339.180 and sections 339.710 to 339.860;

6 [(21)] (22) Been finally adjudged insane or incompetent by
7 a court of competent jurisdiction;

8 [(22)] (23) Assisting or enabling any person to practice or
9 offer to practice any profession licensed or regulated under
10 sections 339.010 to 339.180 and sections 339.710 to 339.860 who
11 is not registered and currently eligible to practice under
12 sections 339.010 to 339.180 and sections 339.710 to 339.860;

13 [(23)] (24) Use of any advertisement or solicitation which
14 is knowingly false, misleading or deceptive to the general public
15 or persons to whom the advertisement or solicitation is primarily
16 directed.

17 3. After the filing of such complaint, the proceedings will
18 be conducted in accordance with the provisions of law relating to
19 the administrative hearing commission. A finding of the
20 administrative hearing commissioner that the licensee has
21 performed or attempted to perform one or more of the foregoing
22 acts shall be grounds for the suspension or revocation of his
23 license by the commission, or the placing of the licensee on
24 probation on such terms and conditions as the real estate
25 commission shall deem appropriate.

1 4. The commission may prepare a digest of the decisions of
2 the administrative hearing commission which concern complaints
3 against licensed brokers or salespersons and cause such digests
4 to be mailed to all licensees periodically. Such digests may
5 also contain reports as to new or changed rules adopted by the
6 commission and other information of significance to licensees.

7 339.105. 1. Each broker who holds funds belonging to
8 another shall maintain such funds in a separate bank account in a
9 financial institution which shall be designated an escrow or
10 trust account. This requirement includes funds in which he or
11 she may have some future interest or claim. Such funds shall be
12 deposited promptly unless all parties having an interest in the
13 funds have agreed otherwise in writing. No broker shall
14 commingle his or her personal funds or other funds in this
15 account with the exception that a broker may deposit and keep a
16 sum not to exceed one thousand dollars in the account from his or
17 her personal funds, which sum shall be specifically identified
18 and deposited to cover service charges related to the account.

19 2. Each broker shall notify the commission [of the name] of
20 his or her intent not to maintain an escrow account, or the name
21 of the financial institution in which each escrow or trust
22 account is maintained, the name and number of each such account,
23 and shall file written authorization directed to each financial
24 institution to allow the commission or its authorized
25 representative to examine each such account; such notification

1 and authorization shall be submitted on forms provided therefor
2 by the commission. A broker shall notify the commission within
3 ten business days of any change of his or her intent to maintain
4 an escrow account, the financial institution, account numbers, or
5 change in account status.

6 3. In conjunction with each escrow or trust account a
7 broker shall maintain books, records, contracts and other
8 necessary documents so that the adequacy of said account may be
9 determined at any time. The account and other records shall be
10 provided to the commission and its duly authorized agents for
11 inspection at all times during regular business hours at the
12 broker's usual place of business.

13 4. Whenever the ownership of any escrow moneys received by
14 a broker pursuant to this section is in dispute by the parties to
15 a real estate sales transaction, the broker shall report and
16 deliver the moneys to the state treasurer within three hundred
17 sixty-five days of the date of the initial projected closing date
18 in compliance with sections 447.500 to 447.595, RSMo. The
19 parties to a real estate sales transaction may agree in writing
20 that the funds are not in dispute and shall notify the broker who
21 is holding the funds.

22 5. A broker shall not be entitled to any money or other
23 money paid to him or her in connection with any real estate sales
24 transaction as part or all of his or her commission or fee until
25 the transaction has been consummated or terminated, unless agreed

1 in writing by all parties to the transaction.

2 6. When, through investigations or otherwise, the
3 commission has reasonable cause to believe that a licensee has
4 acted, is acting or is about to act in violation of this section,
5 the commission may, through the attorney general or any
6 assistants designated by the attorney general, proceed in the
7 name of the commission to institute suit to enjoin any act or
8 acts in violation of this section.

9 7. Any such suit shall be commenced in either the county in
10 which the defendant resides or in the county in which the
11 defendant has acted, is acting or is about to act in violation of
12 this section.

13 8. In such proceeding, the court shall have power to issue
14 such temporary restraining or injunction orders, without bond,
15 which are necessary to protect the public interest. Any action
16 brought under this section shall be in addition to and not in
17 lieu of any other provisions of this chapter. In such action,
18 the commission or the state need not allege or prove that there
19 is no adequate remedy at law or that any individual has suffered
20 any economic injury as a result of the activity sought to be
21 enjoined.

22 339.120. 1. There is hereby created the "Missouri Real
23 Estate Commission", to consist of seven persons, citizens of the
24 United States and residents of this state for at least one year
25 prior to their appointment, for the purpose of carrying out and

1 enforcing the provisions of sections 339.010 to 339.180 and
2 sections 339.710 to 339.860. The commission shall be appointed
3 by the governor with the advice and consent of the senate. All
4 members, except one voting public member, of the commission must
5 have had at least ten years' experience as a real estate broker
6 prior to their appointment. The terms of the members of the
7 commission shall be for five years, and until their successors
8 are appointed and qualified. Members to fill vacancies shall be
9 appointed by the governor for the unexpired term. The president
10 of the Missouri Association of Realtors in office at the time
11 shall, at least ninety days prior to the expiration of the term
12 of the board member, other than the public member, or as soon as
13 feasible after the vacancy on the board otherwise occurs, submit
14 to the director of the division of professional registration a
15 list of five Realtors qualified and willing to fill the vacancy
16 in question, with the request and recommendation that the
17 governor appoint one of the five persons so listed, and with the
18 list so submitted, the president of the Missouri Association of
19 Realtors shall include in his or her letter of transmittal a
20 description of the method by which the names were chosen by that
21 association. The commission shall organize annually by selecting
22 from its members a chairman. The commission may do all things
23 necessary and convenient for carrying into effect the provisions
24 of sections 339.010 to 339.180 and sections 339.710 to 339.860,
25 and may promulgate necessary rules compatible with the provisions

1 of sections 339.010 to 339.180 and sections 339.710 to 339.860.

2 Each member of the commission shall receive as compensation an
3 amount set by the commission not to exceed [fifty] seventy-five
4 dollars for each day devoted to the affairs of the commission,
5 and shall be entitled to reimbursement of his or her expenses
6 necessarily incurred in the discharge of his or her official
7 duties. The governor may remove any commissioner for cause.

8 2. The public member shall be at the time of his or her
9 appointment a citizen of the United States; a resident of this
10 state for a period of one year and a registered voter; a person
11 who is not and never was a member of any profession licensed or
12 regulated pursuant to sections 339.010 to 339.180 and sections
13 339.710 to 339.860 or the spouse of such person; and a person who
14 does not have and never has had a material, financial interest in
15 either the providing of the professional services regulated by
16 sections 339.010 to 339.180 and sections 339.710 to 339.860, or
17 an activity or organization directly related to any profession
18 licensed or regulated pursuant to sections 339.010 to 339.180 and
19 sections 339.710 to 339.860. All members, including public
20 members, shall be chosen from lists submitted by the director of
21 the division of professional registration. The duties of the
22 public member shall not include the determination of the
23 technical requirements to be met for licensure or whether any
24 person meets such technical requirements or of the technical
25 competence or technical judgment of a licensee or a candidate for

1 licensure.

2 3. The commission shall employ such board personnel, as
3 defined in subdivision (4) of subsection 15 of section 620.010,
4 RSMo, as it shall deem necessary to discharge the duties imposed
5 by the provisions of sections 339.010 to 339.180 and sections
6 339.710 to 339.860.

7 4. Any rule or portion of a rule, as that term is defined
8 in section 536.010, RSMo, that is created under the authority
9 delegated in sections 339.010 to 339.180 and sections 339.710 to
10 339.860 shall become effective only if it complies with and is
11 subject to all of the provisions of chapter 536, RSMo, and, if
12 applicable, section 536.028, RSMo. All rulemaking authority
13 delegated prior to August 28, 1999, is of no force and effect and
14 repealed. Nothing in this section shall be interpreted to repeal
15 or affect the validity of any rule filed or adopted prior to
16 August 28, 1999, if it fully complied with all applicable
17 provisions of law. This section and chapter 536, RSMo, are
18 nonseverable and if any of the powers vested with the general
19 assembly pursuant to chapter 536, RSMo, to review, to delay the
20 effective date or to disapprove and annul a rule are subsequently
21 held unconstitutional, then the grant of rulemaking authority and
22 any rule proposed or adopted after August 28, 1999, shall be
23 invalid and void.

24 339.130. The commission may sue and be sued in its official
25 name, and shall have a seal which shall be affixed to [all

1 licenses,] certified copies of records and papers on file, and to
2 such other instruments as the commission may direct, and all
3 courts shall take judicial notice of such seal. Copies of
4 records and proceedings of the commission, and of all papers on
5 file in its office, certified under the said seal shall be
6 received as evidence in all courts of record. The office of the
7 commission shall be at Jefferson City.

8 339.150. 1. No real estate broker shall knowingly employ
9 or engage any person to perform any service to the broker for
10 which licensure as a real estate broker or a real estate sales
11 person is required pursuant to sections 339.010 to 339.180 and
12 sections 339.710 to 339.860, unless such a person is a licensed
13 real estate salesperson or a licensed real estate broker as
14 required by section 339.020, or a person regularly engaged in the
15 real estate brokerage business outside of the state of Missouri.
16 Any such action shall be unlawful as provided by section 339.100
17 and shall be grounds for investigation, complaint, proceedings
18 and discipline as provided by section 339.100.

19 2. No real estate licensee shall pay any part of a fee,
20 commission or other compensation received by the licensee to any
21 person for any service rendered by such person to the licensee in
22 buying, selling, exchanging, leasing, renting or negotiating a
23 loan upon any real estate, unless such a person is a licensed
24 real estate salesperson regularly associated with such a broker,
25 or a licensed real estate broker, or a person regularly engaged

1 in the real estate brokerage business outside of the state of
2 Missouri.

3 3. Notwithstanding the provisions of subsections 1 and 2 of
4 this section, any real estate broker who shall refuse to pay any
5 person for services rendered by such person to the broker, with
6 the consent, knowledge and acquiescence of the broker that such
7 person was not licensed as required by section 339.020, in
8 buying, selling, exchanging, leasing, renting or negotiating a
9 loan upon any real estate for which services a license is
10 required, and who is employed or engaged by such broker to
11 perform such services, shall be liable to such person for the
12 reasonable value of the same or similar services rendered to the
13 broker, regardless of whether or not the person possesses or
14 holds any particular license, permit or certification at the time
15 the service was performed. Any such person may bring a civil
16 action for the reasonable value of his services rendered to a
17 broker notwithstanding the provisions of section 339.160.

18 339.160. No person, partnership, corporation, or
19 association engaged within this state in the business or acting
20 in the capacity of a real estate broker or real estate
21 salesperson shall bring or maintain an action in any court in
22 this state for the recovery of compensation for services rendered
23 in the buying, selling, exchanging, leasing, renting or
24 negotiating a loan upon any real estate without alleging and
25 proving that such person, partnership, corporation, or

1 association was a licensed real estate broker or salesperson at
2 the time when the alleged cause of action arose.

3 339.170. Any person or corporation knowingly violating any
4 provision of sections 339.010 to 339.180 and sections 339.710 to
5 339.860 shall be guilty of a class B misdemeanor. Any officer or
6 agent of a corporation, or member or agent of a partnership or
7 association, who shall knowingly and personally participate in or
8 be an accessory to any violation of sections 339.010 to 339.180
9 and sections 339.710 to 339.860, shall be guilty of a class B
10 misdemeanor. This section shall not be construed to release any
11 person from civil liability or criminal prosecution under any
12 other law of this state. The commission may cause complaint to
13 be filed for violation of section 339.020 in any court of
14 competent jurisdiction, and perform such other acts as may be
15 necessary to enforce the provisions hereof.

16 339.180. 1. It shall be unlawful for any person or
17 entity not licensed under this chapter to perform any act for
18 which a real estate [broker or salesperson] license is required.
19 Upon application by the [board] commission, and the necessary
20 burden having been met, a court of general jurisdiction may grant
21 an injunction, restraining order or other order as may be
22 appropriate to enjoin a person or entity from:

23 (1) Offering to engage or engaging in the performance of
24 any acts or practices for which a [certificate of registration or
25 authority,] permit or license is required by this chapter upon a

1 showing that such acts or practices were performed or offered to
2 be performed without a [certificate of registration or
3 authority,] permit or license; or

4 (2) Engaging in any practice or business authorized by a
5 [certificate of registration or authority,] permit or license
6 issued pursuant to this chapter upon a showing that the holder
7 presents a substantial probability of serious danger to the
8 health, safety or welfare of any [resident of this state or
9 client or patient of the licensee] person with, or who is
10 considering obtaining, a legal interest in real property in this
11 state.

12 2. Any such action shall be commenced either in the county
13 in which such conduct occurred or in the county in which the
14 defendant resides.

15 3. Any action brought under this section shall be in
16 addition to and not in lieu of any penalty provided by this
17 chapter and may be brought concurrently with other actions to
18 enforce this chapter.

19 339.710. For purposes of sections 339.710 to 339.860, the
20 following terms mean:

21 (1) "Adverse material fact", a fact related to the
22 [physical condition of the] property not reasonably ascertainable
23 or known to a party which negatively affects the value of the
24 property. Adverse material facts may include matters pertaining
25 to:

- 1 (a) Environmental hazards affecting the property;
- 2 (b) Physical condition of the property which adversely
3 affects the value of the property;
- 4 (c) Material defects in the property;
- 5 (d) Material defects in the title to the property;
- 6 (e) Material limitation of the party's ability to perform
7 under the terms of the contract;
- 8 (2) "Affiliated licensee", any broker or salesperson who
9 works under the supervision of a designated broker;
- 10 (3) "Agent", a person or entity acting pursuant to the
11 provisions of this chapter;
- 12 (4) "Broker disclosure form", the current form prescribed
13 by the commission for presentation to a seller, landlord, buyer
14 or tenant who has not entered into a written agreement for
15 brokerage services;
- 16 (5) "Brokerage relationship", the relationship created
17 between a designated broker, the broker's affiliated licensees,
18 and a client relating to the performance of services of a broker
19 as defined in section 339.010, and sections 339.710 to 339.860.
20 If a designated broker makes an appointment of an affiliated
21 licensee or affiliated licensees pursuant to section 339.820,
22 such brokerage relationships are created between the appointed
23 licensee or licensees and the client. Nothing in this
24 subdivision shall:
- 25 (a) Alleviate the designated broker from duties of

1 supervision of the appointed licensee or licensees; or

2 (b) Alter the designated broker's underlying contractual
3 agreement with the client;

4 (6) "Client", a seller, landlord, buyer, or tenant who has
5 entered into a brokerage relationship with a licensee pursuant to
6 sections 339.710 to 339.860;

7 (7) "Commercial real estate", any real estate other than
8 real estate containing one to four residential units, real estate
9 on which no buildings or structures are located, or real estate
10 classified as agricultural and horticultural property for
11 assessment purposes pursuant to section 137.016, RSMo.

12 Commercial real estate does not include single family residential
13 units including condominiums, townhouses, or homes in a
14 subdivision when that real estate is sold, leased, or otherwise
15 conveyed on a unit-by-unit basis even though the units may be
16 part of a larger building or parcel of real estate containing
17 more than four units;

18 (8) "Commission", the Missouri real estate commission;

19 (9) "Confidential information", information obtained by the
20 licensee from the client and designated as confidential by the
21 client, information made confidential by sections 339.710 to
22 339.860 or any other statute or regulation, or written
23 instructions from the client unless the information is made
24 public or becomes public by the words or conduct of the client to
25 whom the information pertains or by a source other than the

1 licensee;

2 (10) "Customer", an actual or potential seller, landlord,
3 buyer, or tenant in a real estate transaction in which a licensee
4 is involved but who has not entered into a brokerage relationship
5 with [a] the licensee;

6 (11) "Designated agent", a licensee named by a designated
7 broker as the limited agent of a client as provided for in
8 section 339.820;

9 (12) "Designated broker", any individual licensed as a
10 broker who is operating pursuant to the definition of "real
11 estate broker" as defined in section 339.010, or any individual
12 licensed as a broker who is appointed by a partnership,
13 association, limited liability corporation, or a corporation
14 engaged in the real estate brokerage business to be responsible
15 for the acts of the partnership, association, limited liability
16 corporation, or corporation. Every real estate partnership,
17 association, or limited liability corporation, or corporation
18 shall appoint a designated broker;

19 (13) "Designated transaction broker", a licensee named by a
20 designated broker or deemed appointed by a designated broker as
21 the transaction broker for a client pursuant to section 339.820;

22 (14) "Dual agency", a form of agency which may result when
23 an agent licensee or someone affiliated with the agent licensee
24 represents another party to the same transaction;

25 (15) "Dual agent", a limited agent who, with the written

1 consent of all parties to a contemplated real estate transaction,
2 has entered into an agency brokerage relationship, and not a
3 transaction brokerage relationship, with and therefore represents
4 both the seller and buyer or both the landlord and tenant;

5 (16) "Licensee", a real estate broker or salesperson as
6 defined in section 339.010;

7 (17) "Limited agent", a licensee whose duties and
8 obligations to a client are those set forth in sections 339.730
9 to 339.750;

10 (18) "Ministerial acts", those acts that a licensee may
11 perform for a person or entity that are informative in nature and
12 do not rise to the level which requires the creation of a
13 brokerage relationship. Examples of these acts include, but are
14 not limited to:

15 (a) Responding to telephone inquiries by consumers as to
16 the availability and pricing of brokerage services;

17 (b) Responding to telephone inquiries from a person
18 concerning the price or location of property;

19 (c) Attending an open house and responding to questions
20 about the property from a consumer;

21 (d) Setting an appointment to view property;

22 (e) Responding to questions of consumers walking into a
23 licensee's office concerning brokerage services offered on
24 particular properties;

25 (f) Accompanying an appraiser, inspector, contractor, or

1 similar third party on a visit to a property;

2 (g) Describing a property or the property's condition in
3 response to a person's inquiry;

4 (h) Showing a customer through a property being sold by an
5 owner on his or her own behalf; or

6 (i) Referral to another broker or service provider;

7 (19) "Residential real estate", all real property improved
8 by a structure that is used or intended to be used primarily for
9 residential living by human occupants and that contains not more
10 than four dwelling units or that contains single dwelling units
11 owned as a condominium or in a cooperative housing association,
12 and vacant land classified as residential property. The term
13 "cooperative housing association" means an association, whether
14 incorporated or unincorporated, organized for the purpose of
15 owning and operating residential real property in Missouri, the
16 shareholders or members of which, by reason of their ownership of
17 a stock or membership certificate, a proprietary lease, or other
18 evidence of membership, are entitled to occupy a dwelling unit
19 pursuant to the terms of a proprietary lease or occupancy
20 agreement;

21 (20) "Single agent", a licensee who has entered into a
22 brokerage relationship with and therefore represents only one
23 party in a real estate transaction. A single agent may be one of
24 the following:

25 (a) "Buyer's agent", which shall mean a licensee who

1 represents the buyer in a real estate transaction;

2 (b) "Seller's agent", which shall mean a licensee who
3 represents the seller in a real estate transaction; and

4 (c) "Landlord's agent", which shall mean a licensee who
5 represents a landlord in a leasing transaction;

6 (d) "Tenant's agent", which shall mean a licensee who
7 represents the tenant in a leasing transaction;

8 (21) "Subagent", a designated broker, together with the
9 broker's affiliated licensees, engaged by another designated
10 broker, together with the broker's affiliated or appointed
11 affiliated licensees, to act as a limited agent for a client, or
12 a designated broker's unappointed affiliated licensees engaged by
13 the designated broker, together with the broker's appointed
14 affiliated licensees, to act as a limited agent for a client. A
15 subagent owes the same obligations and responsibilities to the
16 client pursuant to sections 339.730 to 339.740 as does the
17 client's designated broker;

18 (22) "Transaction broker", any licensee acting pursuant to
19 sections 339.710 to 339.860, who:

20 (a) Assists the parties to a transaction without an agency
21 or fiduciary relationship to either party and is, therefore,
22 neutral, serving neither as an advocate or advisor for either
23 party to the transaction;

24 (b) Assists one or more parties to a transaction and who
25 has not entered into a specific written agency agreement to

1 represent one or more of the parties; or

2 (c) Assists another party to the same transaction either
3 solely or through licensee affiliates.

4 Such licensee shall be deemed to be a transaction broker and not
5 a dual agent, provided that, notice of assumption of transaction
6 broker status is provided to the buyer and seller immediately
7 upon such default to transaction broker status, to be confirmed
8 in writing prior to execution of the contract.

9 339.760. [1.] Every designated broker who has affiliated
10 licensees shall adopt a written policy which identifies and
11 describes the relationships in which the designated broker and
12 affiliated licensees may engage with any seller, landlord, buyer,
13 or tenant as part of any real estate brokerage activities.

14 [2. A designated broker shall not be required to offer or
15 engage in more than one of the brokerage relationships enumerated
16 in section 339.720.]

17 339.780. 1. All written agreements for brokerage services
18 on behalf of a seller, landlord, buyer, or tenant shall be
19 entered into by the designated broker on behalf of that broker
20 and affiliated licensees, except that the designated broker may
21 authorize affiliated licensees in writing to enter into the
22 written agreements on behalf of the designated broker.

23 2. Before engaging in any of the activities enumerated in
24 section 339.010, a designated broker intending to establish a

1 limited agency relationship with a seller or landlord shall enter
2 into a written agency agreement with the party to be represented.
3 The agreement shall include a licensee's duties and
4 responsibilities specified in section 339.730 and the terms of
5 compensation and shall specify whether an offer of subagency may
6 be made to any other designated broker.

7 3. Before or while engaging in any acts enumerated in
8 section 339.010, except ministerial acts defined in section
9 339.710, a designated broker acting as a single agent for a buyer
10 or tenant shall enter into a written agency agreement with the
11 buyer or tenant. The agreement shall include a licensee's duties
12 and responsibilities specified in section 339.740 and the terms
13 of compensation [and shall specify whether an offer of subagency
14 may be made to any other designated broker].

15 4. Before engaging in any of the activities enumerated in
16 section 339.010, a designated broker intending to act as a dual
17 agent shall enter into a written agreement with the seller and
18 buyer or landlord and tenant permitting the designated broker to
19 serve as a dual agent. The agreement shall include a licensee's
20 duties and responsibilities specified in section 339.750 and the
21 terms of compensation.

22 5. Before engaging in any of the activities enumerated in
23 section 339.010, a designated broker intending to act as a
24 subagent shall enter into a written agreement with the designated
25 broker for the client. If a designated broker has made a

1 unilateral offer of subagency, another designated broker can
2 enter into the subagency relationship by the act of disclosing to
3 the customer that he or she is a subagent of the client. If a
4 designated broker has made an appointment pursuant to section
5 339.820, an affiliated licensee that has been excluded by such
6 appointment may enter into the subagency relationship by the act
7 of disclosing to the customer that he or she is a subagent of the
8 client.

9 6. A designated broker who intends to act as a transaction
10 broker and who expects to receive compensation from the party he
11 or she assists shall enter into a written transaction brokerage
12 agreement with such party or parties contracting for the broker's
13 service. The transaction brokerage agreement shall include a
14 licensee's duties and responsibilities specified in section
15 339.755 and the terms of compensation.

16 7. Nothing contained in this section shall prohibit the
17 public from entering into written contracts with any broker which
18 contain duties, obligations, or responsibilities which are in
19 addition to those specified in this section.

20 339.800. 1. In any real estate transaction, the designated
21 broker's compensation may be paid by the seller, the landlord,
22 the buyer, the tenant, or a third party or by sharing the
23 compensation between designated brokers.

24 2. Payment of compensation by itself shall not establish an
25 agency relationship or transaction brokerage relationship between

1 the party who paid the compensation and the designated broker or
2 any affiliated licensee.

3 3. A seller or landlord may agree that a designated broker
4 may share with another designated broker the compensation paid by
5 the seller or landlord.

6 4. A buyer or tenant may agree that a designated broker may
7 share with another designated broker the compensation paid by the
8 buyer or tenant.

9 5. A designated broker may be compensated by more than one
10 party for services in a transaction with the knowledge of all the
11 parties at or before the time of entering into a written contract
12 to buy, sell, or lease.

13 6. Nothing contained in this section shall relieve the
14 licensee from the requirement of obtaining a written agreement
15 for brokerage services or other written agreement addressing
16 compensation.

17 345.015. As used in sections 345.010 to 345.080, the
18 following terms mean:

19 (1) "Audiologist", a person who is licensed as an
20 audiologist pursuant to sections 345.010 to 345.080 to practice
21 audiology;

22 (2) "Audiology aide", a person who is registered as an
23 audiology aide by the board, who does not act independently but
24 works under the direction and supervision of a licensed
25 audiologist. Such person assists the audiologist with activities

1 which require an understanding of audiology but do not require
2 formal training in the relevant academics. To be eligible for
3 registration by the board, each applicant shall submit a
4 registration fee, be of good moral and ethical character; and:

5 (a) Be at least eighteen years of age;

6 (b) Furnish evidence of the person's educational
7 qualifications which shall be at a minimum:

8 a. Certification of graduation from an accredited high
9 school or its equivalent; and

10 b. On-the-job training;

11 (c) Be employed in a setting in which direct and indirect
12 supervision are provided on a regular and systematic basis by a
13 licensed audiologist. However, the aide shall not administer or
14 interpret hearing screening or diagnostic tests, fit or dispense
15 hearing instruments, make ear impressions, make diagnostic
16 statements, determine case selection, present written reports to
17 anyone other than the supervisor without the signature of the
18 supervisor, make referrals to other professionals or agencies,
19 use a title other than speech-language pathology aide or clinical
20 audiology aide, develop or modify treatment plans, discharge
21 clients from treatment or terminate treatment, disclose clinical
22 information, either orally or in writing, to anyone other than
23 the supervising speech-language pathologist/audiologist, or
24 perform any procedure for which he or she is not qualified, has
25 not been adequately trained or both;

1 (3) "Board", the state board of registration for the
2 healing arts;

3 (4) "Clinical fellowship", the supervised professional
4 employment period following completion of the academic and
5 practicum requirements of an accredited training program as
6 defined in sections 345.010 to 345.080;

7 (5) "Commission", the advisory commission for
8 speech-language pathologists and audiologists;

9 (6) "Hearing instrument" or "hearing aid", any wearable
10 device or instrument designed for or offered for the purpose of
11 aiding or compensating for impaired human hearing and any parts,
12 attachments or accessories, including ear molds, but excluding
13 batteries, cords, receivers and repairs;

14 (7) "Person", any individual, organization, or corporate
15 body, except that only individuals may be licensed pursuant to
16 sections 345.010 to 345.080;

17 (8) "Practice of audiology":

18 (a) The application of accepted audiologic principles,
19 methods and procedures for the measurement, testing,
20 interpretation, appraisal and prediction related to disorders of
21 the auditory system, balance system or related structures and
22 systems;

23 (b) Provides consultation, counseling to the patient,
24 client, student, their family or interested parties;

25 (c) Provides academic, social and medical referrals when

1 appropriate;

2 (d) Provides for establishing goals, implementing
3 strategies, methods and techniques, for habilitation,
4 rehabilitation or aural rehabilitation, related to disorders of
5 the auditory system, balance system or related structures and
6 systems;

7 (e) Provides for involvement in related research, teaching
8 or public education;

9 (f) Provides for rendering of services or participates in
10 the planning, directing or conducting of programs which are
11 designed to modify audition, communicative, balance or cognitive
12 disorder, which may involve speech and language or education
13 issues;

14 (g) Provides and interprets behavioral and neurophysiologic
15 measurements of auditory balance, cognitive processing and
16 related functions, including intraoperative monitoring;

17 (h) Provides involvement in any tasks, procedures, acts or
18 practices that are necessary for evaluation of audition, hearing,
19 training in the use of amplification or assistive listening
20 devices;

21 (i) Provides selection and assessment of hearing
22 instruments;

23 (j) Provides for taking impressions of the ear, making
24 custom ear molds, ear plugs, swim molds and industrial noise
25 protectors;

1 (k) Provides assessment of external ear and cerumen
2 management;

3 (l) Provides advising, fitting, mapping assessment of
4 implantable devices such as cochlear or auditory brain stem
5 devices;

6 (m) Provides information in noise control and hearing
7 conservation including education, equipment selection, equipment
8 calibration, site evaluation and employee evaluation;

9 (n) Provides performing basic speech-language screening
10 test;

11 (o) Provides involvement in social aspects of
12 communication, including challenging behavior and ineffective
13 social skills, lack of communication opportunities;

14 (p) Provides support and training of family members and
15 other communication partners for the individual with auditory
16 balance, cognitive and communication disorders;

17 (q) Provides aural rehabilitation and related services to
18 individuals with hearing loss and their families;

19 (r) Evaluates, collaborates and manages audition problems
20 in the assessment of the central auditory processing disorders
21 and providing intervention for individuals with central auditory
22 processing disorders;

23 (s) Develops and manages academic and clinical problems in
24 communication sciences and disorders;

25 (t) Conducts, disseminates and applies research in

1 communication sciences and disorders;

2 (9) "Practice of speech-language pathology":

3 (a) Provides screening, identification, assessment,
4 diagnosis, treatment, intervention, including but not limited to,
5 prevention, restoration, amelioration and compensation, and
6 follow-up services for disorders of:

7 a. Speech: articulation, fluency, voice, including
8 respiration, phonation and resonance;

9 b. Language, involving the parameters of phonology,
10 morphology, syntax, semantics and pragmatic; and including
11 disorders of receptive and expressive communication in oral,
12 written, graphic and manual modalities;

13 c. Oral, pharyngeal, cervical esophageal and related
14 functions, such as, dysphagia, including disorders of swallowing
15 and oral functions for feeding; orofacial myofunctional
16 disorders;

17 d. Cognitive aspects of communication, including
18 communication disability and other functional disabilities
19 associated with cognitive impairment;

20 e. Social aspects of communication, including challenging
21 behavior, ineffective social skills, lack of communication
22 opportunities;

23 (b) Provides consultation and counseling and makes
24 referrals when appropriate;

25 (c) Trains and supports family members and other

1 communication partners of individuals with speech, voice,
2 language, communication and swallowing disabilities;

3 (d) Develops and establishes effective augmentative and
4 alternative communication techniques and strategies, including
5 selecting, prescribing and dispensing of argumentative aids and
6 devices; and the training of individuals, their families and
7 other communication partners in their use;

8 (e) Selects, fits and establishes effective use of
9 appropriate prosthetic/adaptive devices for speaking and
10 swallowing, such as tracheoesophageal valves, electrolarynges,
11 speaking valves;

12 (f) Uses instrumental technology to diagnose and treat
13 disorders of communication and swallowing, such as
14 videofluoroscopy, nasendoscopy, ultrasonography and stroboscopy;

15 (g) Provides aural rehabilitative and related counseling
16 services to individuals with hearing loss and to their families;

17 (h) Collaborates in the assessment of central auditory
18 processing disorders in cases in which there is evidence of
19 speech, language or other cognitive communication disorders;
20 provides intervention for individuals with central auditory
21 processing disorders;

22 (i) Conducts pure-tone air conduction hearing screening and
23 screening tympanometry for the purpose of the initial
24 identification or referral;

25 (j) Enhances speech and language proficiency and

1 communication effectiveness, including but not limited to, accent
2 reduction, collaboration with teachers of English as a second
3 language and improvement of voice, performance and singing;

4 (k) Trains and supervises support personnel;

5 (l) Develops and manages academic and clinical programs in
6 communication sciences and disorders;

7 (m) Conducts, disseminates and applies research in
8 communication sciences and disorders;

9 (n) Measures outcomes of treatment and conducts continuous
10 evaluation of the effectiveness of practices and programs to
11 improve and maintain quality of services;

12 (10) "Speech-language pathologist", a person who is
13 licensed as a speech-language pathologist pursuant to sections
14 345.010 to 345.080; who engages in the practice of
15 speech-language pathology as defined in sections 345.010 to
16 345.080;

17 (11) "Speech-language pathology aide", a person who is
18 registered as a speech-language aide by the board, who does not
19 act independently but works under the direction and supervision
20 of a licensed speech-language pathologist. Such person assists
21 the speech-language pathologist with activities which require an
22 understanding of speech-language pathology but do not require
23 formal training in the relevant academics. To be eligible for
24 registration by the board, each applicant shall submit a
25 registration fee, be of good moral and ethical character; and:

1 (a) Be at least eighteen years of age;

2 (b) Furnish evidence of the person's educational
3 qualifications which shall be at a minimum:

4 a. Certification of graduation from an accredited high
5 school or its equivalent; and

6 b. On-the-job training;

7 (c) Be employed in a setting in which direct and indirect
8 supervision is provided on a regular and systematic basis by a
9 licensed speech-language pathologist. However, the aide shall
10 not administer or interpret hearing screening or diagnostic
11 tests, fit or dispense hearing instruments, make ear impressions,
12 make diagnostic statements, determine case selection, present
13 written reports to anyone other than the supervisor without the
14 signature of the supervisor, make referrals to other
15 professionals or agencies, use a title other than speech-language
16 pathology aide or clinical audiology aide, develop or modify
17 treatment plans, discharge clients from treatment or terminate
18 treatment, disclose clinical information, either orally or in
19 writing, to anyone other than the supervising speech-language
20 pathologist/audiologist, or perform any procedure for which he or
21 she is not qualified, has not been adequately trained or both;

22 (12) "Speech-language pathology assistant", a person who is
23 registered as a speech-language pathology assistant by the board,
24 who does not act independently but works under the direction and
25 supervision of a licensed speech-language pathologist and whose

1 activities require both academic and practical training in the
2 field of speech-language pathology although less training than
3 those established by sections 345.010 to 345.080 as necessary for
4 licensing as a speech-language pathologist. To be eligible for
5 registration by the board, each applicant shall submit the
6 registration fee, be of good moral character[;] and[:

7 (a)] furnish evidence of the person's educational
8 qualifications which meet the following:

9 [a.] (a) Hold a bachelor's level degree in speech-language
10 pathology [or an associate's degree as a speech-language
11 pathology assistant] from an institution accredited or approved
12 by the Council on Academic Accreditation of the American
13 Speech-Language-Hearing Association in the area of speech-
14 language pathology; and

15 [b.] (b) Submit official transcripts from one or more
16 accredited colleges or universities presenting evidence of the
17 completion of bachelor's [or associate's] level course work and
18 clinical practicum requirements equivalent to that required or
19 approved by the Council on Academic Accreditation of the American
20 Speech-Language-Hearing Association[;

21 (b) The requirements of paragraph (a) of this subdivision
22 shall be the minimum requirements for a speech-language pathology
23 assistant until January 1, 2005. After January 1, 2005, to be
24 eligible for registration by the board, each applicant shall
25 submit the registration fee, be of good moral character and

1 furnish evidence of the person's educational qualifications which
2 meet the following:

3 a. Hold a minimum of an associate's degree as a
4 speech-language pathology assistant from an institution
5 accredited or approved by the Council on Academic Accreditation
6 of the American Speech-Language-Hearing Association; and

7 b. Submit official transcripts from one or more accredited
8 colleges or universities presenting evidence of the completion of
9 course work and clinical practicum requirements equivalent to
10 that required or approved by the Council on Academic
11 Accreditation of the American Speech-Language- Hearing
12 Association;

13 (c) Furnish evidence of successful completion of a uniform,
14 functionally based proficiency evaluation as determined by the
15 board;

16 (d) The individuals meeting the requirements prior to
17 January 1, 2005, may be granted continued registration from the
18 board provided the individual meets the following:

19 a. Furnish evidence of employment in which direct and
20 indirect supervision have been provided on a regular and
21 systematic basis by a licensed speech-language pathologist; and

22 b. The individual is in good standing with the board with
23 regard to practice prior to January 1, 2005].

24 346.135. 1. All fees and charges payable pursuant to this
25 chapter shall be collected by the division and transmitted to the

1 department of revenue for deposit in the state treasury to the
2 credit of the fund to be known as the "Hearing Instrument
3 Specialist Fund", which is hereby created. Money in the hearing
4 instrument specialist fund shall be available by appropriation to
5 the council to pay its expenses in administering sections 346.010
6 to 346.250.

7 2. Money in the hearing instrument specialist fund shall
8 not be transferred and placed to the credit of general revenue
9 until the amount in the fund at the end of the biennium exceeds
10 two times the amount of the appropriation from the council's
11 funds for the preceding fiscal year or, if the division requires
12 by rule renewal less frequently than yearly then three times the
13 appropriation from the fund for the preceding fiscal year. The
14 amount, if any, in the fund which shall lapse is that amount in
15 the fund which exceeds the appropriate multiple of the
16 appropriation from the council's funds for the preceding year.

17 374.695. Sections 374.695 to 374.789 may be known and shall
18 be cited as the "Professional Bail Bondsman and Surety Recovery
19 Agent Licensure Act".

20 374.700. As used in sections [374.700 to 374.775] 374.695
21 to 374.789, the following terms shall mean:

22 (1) "Bail bond agent", a surety agent or an agent of a
23 property bail bondsman who is duly licensed under the provisions
24 of sections [374.700 to 374.775] 374.695 to 374.789, is employed
25 by and is working under the authority of a licensed general bail

1 bond agent;

2 (2) "Bail bond or appearance bond", a bond for a specified
3 monetary amount which is executed by the defendant and a
4 qualified licensee under sections 374.695 to 374.789, and which
5 is issued to a court or authorized officer as security for the
6 subsequent court appearance of the defendant upon the defendant's
7 release from actual custody pending the appearance;

8 [(2)] (3) "Department", the department of insurance of the
9 state of Missouri;

10 [(3)] (4) "Director", the director of the department of
11 insurance;

12 [(4)] (5) "General bail bond agent", a surety agent or a
13 property bail bondsman, as defined in sections 374.700 to
14 374.775, who is licensed in accordance with sections 374.700 to
15 374.775 and who devotes at least fifty percent of his working
16 time to the bail bond business in this state;

17 (6) "Insurer", any surety insurance company which is
18 qualified by the department to transact surety business in
19 Missouri;

20 (7) "Licensee", a bail bond agent or a general bail bond
21 agent;

22 [(5)] (8) "Property bail bondsman", a person who pledges
23 United States currency, United States postal money orders or
24 cashier's checks or other property as security for a bail bond in
25 connection with a judicial proceeding, and who receives or is

1 promised therefor money or other things of value;

2 [(6)] (9) "Surety bail bond agent", any person appointed by
3 an insurer by power of attorney to execute or countersign bail
4 bonds in connection with judicial proceedings, and who receives
5 or is promised money or other things of value therefor;

6 [(7)] (10) "Surety recovery agent", a person not performing
7 the duties of a sworn peace officer who tracks down, captures and
8 surrenders to the custody of a court a fugitive who has violated
9 a bail bond agreement, excluding a bail bond agent or general
10 bail bond agent;

11 (11) "Taking a bail" or "take bail", the acceptance by a
12 person authorized to take bail of the undertaking of a sufficient
13 surety for the appearance of the defendant according to the terms
14 of the undertaking or that the surety will pay to the court the
15 sum specified. Taking of bail or take bail does not include the
16 fixing of the amount of bail and no person other than a competent
17 court shall fix the amount of bail.

18 374.702. 1. No person shall engage in the bail bond
19 business as a bail bond agent or a general bail bond agent
20 without being licensed as provided in sections 374.695 to
21 374.775.

22 2. No judge, attorney, court official, law enforcement
23 officer, state, county, or municipal employee who is either
24 elected or appointed shall be licensed as a bail bond agent or a
25 general bail bond agent.

1 3. A licensed bail bond agent shall not execute or issue an
2 appearance bond in this state without holding a valid appointment
3 from a general bail bond agent and without attaching to the
4 appearance bond an executed and prenumbered power of attorney
5 referencing the general bail bond agent or insurer.

6 4. A person licensed as an active bail bond agent shall
7 hold the license for at least two years prior to owning or being
8 an officer of a licensed general bail bond agent.

9 5. A general bail bond agent shall not engage in the bail
10 bond business:

11 (1) Without having been licensed as a general bail bond
12 agent under sections 374.695 to 374.775;

13 (2) Except through an agent licensed as a bail bond agent
14 pursuant to sections 374.695 to 374.775.

15 6. A general bail bond agent shall not permit any
16 unlicensed person to solicit or engage in the bail bond business
17 on the general bail bond agent's behalf, except for individuals
18 who are employed solely for the performance of clerical,
19 stenographic, investigative, or other administrative duties which
20 do not require a license under sections 374.695 to 374.789.

21 7. Any person who is convicted of a violation of this
22 section is guilty of a class A misdemeanor. For any subsequent
23 convictions, a person who is convicted of a violation of this
24 section is guilty of a class D felony.

25 374.705. 1. The department shall administer and enforce

1 the provisions of sections [374.700 to 374.775] 374.695 to
2 374.789, prescribe the duties of its officers and employees with
3 respect to sections [374.700 to 374.775] 374.695 to 374.789, and
4 promulgate, pursuant to section 374.045 and chapter 536, RSMo,
5 such rules and regulations within the scope and purview of the
6 provisions of sections [374.700 to 374.775] 374.695 to 374.789 as
7 the director considers necessary and proper for the effective
8 administration and interpretation of the provisions of sections
9 [374.700 to 374.775] 374.695 to 374.789.

10 2. The director shall set the amount of all fees authorized
11 and required by the provisions of sections [374.700 to 374.775]
12 374.695 to 374.789 by rules and regulations promulgated pursuant
13 to chapter 536, RSMo. All such fees shall be set at a level
14 designed to produce revenue which shall not substantially exceed
15 the cost and expense of administering the provisions of sections
16 [374.700 to 374.775] 374.695 to 374.789. However, such fees
17 shall not exceed one fifty hundred dollars every two years for
18 biennial licenses and renewable licenses for general bail bond
19 agents as provided for in section 374.710.

20 374.710. 1. Except as otherwise provided in sections
21 [374.700] 374.695 to 374.775, no person or other entity shall
22 practice as a bail bond agent or general bail bond agent, as
23 defined in section [374.700] 374.695, in Missouri unless and
24 until the department has issued to him or her a license, to be
25 renewed [each year] every two years as hereinafter provided, to

1 practice as a bail bond agent or general bail bond agent.

2 2. An applicant for a bail bond or general bail agent
3 license shall submit with the application proof that he or she
4 has received sixteen hours of initial basic training in areas of
5 instruction in subjects determined by the director deemed
6 appropriate to professionals in the bail bonds profession. Bail
7 bond agents and general bail bond agents who are licensed at the
8 date which this act becomes law shall be exempt from such sixteen
9 hours of initial basic training.

10 3. In addition to the sixteen hours of initial basic
11 training to become a bail bond agent or general bail bond agent,
12 there shall be eight hours of biennial continuing education for
13 all bail bond agents and general bail bond agents to maintain
14 their state license. The director shall determine said
15 appropriate areas of instruction for said biennial continuing
16 education. The department may provide said courses for the
17 initial basic training and the biennial continuing education
18 instructions. If the department provides said courses, the cost
19 shall not exceed two hundred dollars for the initial basic
20 training and one hundred fifty dollars for the biennial
21 continuing education. The department may under the director
22 allow state institutions, organizations, associations, or
23 individuals to provide courses for the initial basic training and
24 the biennial continuing education training at no higher costs to
25 the applicants than the department may charge under this section.

1 4. Upon completion of said basic training or biennial
2 continuing education and the licensee meeting the other
3 requirements as provided under sections 374.695 to 374.789, the
4 director shall issue a two-year license for the bail bond agent
5 or general bail bond agent for a fee not to exceed one hundred
6 fifty dollars.

7 5. Nothing in sections [374.700] 374.695 to 374.775 shall
8 be construed to prohibit any person from posting or otherwise
9 providing a bail bond in connection with any legal proceeding,
10 provided that such person receives no fee, remuneration or
11 consideration therefor.

12 374.715. 1. Applications for examination and licensure as
13 a bail bond agent or general bail bond agent shall be in writing
14 and on forms prescribed and furnished by the department, and
15 shall contain such information as the department requires. Each
16 application shall be accompanied by proof satisfactory to the
17 department that the applicant is a citizen of the United States,
18 is at least twenty-one years of age, has a high school diploma or
19 general education development certificate (GED), is of good moral
20 character, and meets the qualifications for surety on bail bonds
21 as provided by supreme court rule. Each application shall be
22 accompanied by the examination and application fee set by the
23 department. Individuals currently employed as bail bond agents
24 and general bail bond agents shall not be required to meet the
25 education requirements needed for licensure under this section.

1 2. In addition, each applicant for licensure as a general
2 bail bond agent shall furnish proof satisfactory to the
3 department that the applicant[,] or, if the applicant is a
4 corporation [or partnership], that each officer [or partner]
5 thereof has completed at least two years as a bail bond agent[,
6 as defined in sections 374.700 to 374.775], and that the
7 applicant possesses liquid assets of at least ten thousand
8 dollars, along with a duly executed assignment of ten thousand
9 dollars to the state of Missouri[, which]. The assignment shall
10 become effective upon the applicant's violating any provision of
11 sections [374.700 to 374.775] 374.695 to 374.789. The assignment
12 required by this section shall be in the form[,] and executed in
13 the manner[,] prescribed by the department. The director may
14 require by regulation conditions by which additional assignments
15 of assets of the general bail bond agent may occur when the
16 circumstances of the business of the general bail bond agent
17 warrants additional funds. However, such additional funds shall
18 not exceed twenty-five thousand dollars.

19 374.716. 1. Every bail bond agent shall account for each
20 power of attorney assigned by the general bail bond agent on a
21 weekly basis if requested by the general bail bond agent in
22 writing and remit all sums collected and owed to the general bail
23 bond agent under his or her written contract. The general bail
24 bond agent shall maintain the weekly accounting and remittance
25 records for a period of three years. Such records shall be

1 subject to inspection by the director or his or her designee
2 during regular business hours or at other reasonable times.

3 2. For every bond written in this state, the licensee shall
4 provide to the principal a copy of the bail contract.

5 374.717. No insurer or licensee, court, or law enforcement
6 officer shall:

7 (1) Pay a fee or rebate or give or promise anything of
8 value in order to secure a settlement, compromise, remission, or
9 reduction of the amount of any bail bond to:

10 (a) A jailer, police officer, peace officer, committing
11 judge, or any other person who has power to arrest or to hold in
12 custody any person; or

13 (b) Any public official or public employee;

14 (2) Pay a fee or rebate or give anything of value to an
15 attorney in bail bond matters, except in defense of any action on
16 a bond;

17 (3) Pay a fee or rebate or give anything of value to the
18 principal or anyone on the principal's behalf;

19 (4) Accept anything of value from a principal except the
20 premium and expenses incurred, provided that the licensee shall
21 be permitted to accept collateral security of other indemnity
22 from the principal in accordance with the provisions of section
23 374.719.

24 374.719. 1. A licensee may accept collateral security from
25 the principal in a fiduciary capacity, which collateral shall be

1 returned upon final termination of liability on the bond. When a
2 licensee accepts collateral, the licensee shall provide a
3 prenumbered written receipt, which shall include a detailed
4 account of the collateral received by the licensee. The
5 acceptance of collateral security by a bail bond agent shall be
6 reported to the general bail bond agent.

7 2. The collateral security required by the licensee shall
8 be reasonable in relation to the amount of the bond.

9 3. If a failure to appear, absconding or attempting to
10 abscond, or a judgment of forfeiture on the bond has occurred,
11 the collateral security may be used to reimburse the licensee for
12 any costs and expenses incurred associated with the forfeiture.

13 4. The general bail bond agent shall retain records of the
14 acceptance, return, or judgment of forfeiture resulting in the
15 use of the collateral to reimburse the licensee for a period of
16 three years.

17 374.730. All licenses issued to bail bond agents and
18 general bail bond agents under the provisions of sections 374.700
19 to 374.775 shall be renewed [annually] biennially, which renewal
20 shall be in the form and manner prescribed by the department and
21 shall be accompanied by the renewal fee set by the department.

22 374.735. 1. The department may, in its discretion, grant a
23 license without requiring an examination to a bail bond agent who
24 has been licensed in another state immediately preceding his or
25 her applying to the department, if the department is satisfied by

1 proof adduced by the applicant that [his]:

2 (1) The qualifications of the other state are at least
3 equivalent to the requirements for initial licensure as a bail
4 bond agent in [Missouri] this state under the provisions of
5 sections [374.700] 374.695 to 374.775, provided that the other
6 state licenses Missouri residents in the same manner; and

7 (2) The applicant has no suspensions or revocations of a
8 license to engage in the bail bond or fugitive recovery business
9 in any jurisdiction.

10 2. Every applicant for a license under this section upon
11 showing the necessary qualifications as provided in this section
12 shall be required to pay the same fee as the fee required to be
13 paid by resident applicants.

14 3. Within the limits provided in this section, the
15 department may negotiate reciprocal compacts with licensing
16 entities of other states for the admission of licensed bail bond
17 agents from Missouri in other states.

18 4. All applicants applying for licenses in this state after
19 the enactment of this act shall complete the education
20 requirement as stated in section 374.710. If the bail bond agent
21 or general bail bond agent has been licensed in another state and
22 has a license in Missouri at the time this act becomes law, said
23 individual shall not be required to complete the sixteen hours of
24 initial basic training.

25 374.740. Any person applying to be licensed as a

1 nonresident [bail bond agent or nonresident] general bail bond
2 agent who has been licensed in another state shall devote fifty
3 percent of his or her working time in the state of Missouri and
4 shall file proof with the director of insurance as to his or her
5 compliance, and accompany his or her application with the fees
6 set by the [board] director by regulation and, if applying for a
7 nonresident general bail bond agent's license, with a duly
8 executed assignment of twenty-five thousand dollars to the state
9 of Missouri, which assignment shall become effective upon the
10 applicant's violating any provision of sections [374.700 to
11 374.775] 374.695 to 374.789. Failure to comply with this section
12 will result in revocation of the nonresidence license. The
13 assignment required by this section shall be in the form and
14 executed in the manner prescribed by the department. All
15 licenses issued under this section shall be subject to the same
16 renewal requirements set for other licenses issued under sections
17 [374.700 to 374.775] 374.695 to 374.789.

18 374.755. 1. The department may cause a complaint to be
19 filed with the administrative hearing commission as provided by
20 chapter 621, RSMo, against any holder of any license required by
21 sections [374.700] 374.695 to 374.775 or any person who has
22 failed to renew or has surrendered his or her license for any one
23 or any combination of the following causes:

24 (1) Use of any controlled substance, as defined in chapter
25 195, RSMo, or alcoholic beverage to an extent that such use

1 impairs a person's ability to perform the work of the profession
2 licensed under sections [374.700] 374.695 to 374.775;

3 (2) [Having entered a plea of guilty or having been found
4 guilty of a felony] Final adjudication or a plea of guilty or
5 nolo contendere within the past fifteen years in a criminal
6 prosecution under any state or federal law for a felony or a
7 crime involving moral turpitude whether or not a sentence is
8 imposed, prior to issuance of license date;

9 (3) Use of fraud, deception, misrepresentation or bribery
10 in securing any license [issued pursuant to sections 374.700 to
11 374.775] or in obtaining permission to take any examination
12 [given or] required pursuant to sections [374.700] 374.695 to
13 374.775;

14 (4) Obtaining or attempting to obtain any compensation as a
15 member of the profession licensed by sections [374.700] 374.695
16 to 374.775 by means of fraud, deception or misrepresentation;

17 (5) Misappropriation of the premium, collateral, or other
18 things of value given to a bail bond agent or a general bail bond
19 agent for the taking of bail, incompetency, misconduct, gross
20 negligence, fraud, or misrepresentation [or dishonesty] in the
21 performance of the functions or duties of the profession licensed
22 or regulated by sections [374.700] 374.695 to 374.775;

23 (6) Violation of[, or assisting or enabling any other
24 person to violate, any provision of sections 374.700 to 374.775
25 or of any lawful rule or regulation promulgated pursuant to

1 sections 374.700 to 374.775] any provision of or any obligation
2 imposed by the laws of this state, department of insurance rules
3 and regulations, or aiding or abetting other persons to violate
4 such laws, orders, rules or regulations, or subpoenas;

5 (7) Transferring a license or permitting another person to
6 use a license of the licensee;

7 (8) Disciplinary action against the holder of a license or
8 other right to practice the profession regulated by sections
9 [374.700 to 374.775] 374.695 to 374.789 granted by another state,
10 territory, federal agency or country upon grounds for which
11 revocation or suspension is authorized in this state;

12 (9) Being finally adjudged insane or incompetent by a court
13 of competent jurisdiction;

14 (10) Assisting or enabling any person to practice or offer
15 to practice the profession licensed or regulated by sections
16 [374.700 to 374.775] 374.695 to 374.789 who is not currently
17 licensed and eligible to practice under sections [374.700 to
18 374.775] 374.695 to 374.789;

19 (11) [Paying a fee or rebate, or giving or promising
20 anything of value, to a jailer, policeman, peace officer, judge
21 or any other person who has the power to arrest or to hold
22 another person in custody, or to any public official or employee,
23 in order to secure a settlement, compromise, remission or
24 reduction of the amount of any bail bond or estreatment thereof]
25 Acting in the capacity of an attorney at a trial or hearing of a

1 person for whom the attorney is acting as surety;

2 (12) [Paying a fee or rebate, or giving anything of value
3 to an attorney in bail bond matters, except in defense of any
4 action on a bond;

5 (13) Paying a fee or rebate, or giving or promising
6 anything of value, to the principal or anyone in his behalf;

7 (14) Participating in the capacity of an attorney at a
8 trial or hearing of one on whose bond he is surety] Failing to
9 provide a copy of the bail contract, renumbered written receipt
10 for acceptance of money, or other collateral for the taking of
11 bail to the principal, if requested by any person who is a party
12 to the bail contract, or any person providing funds or collateral
13 for bail on the principal's behalf.

14 2. After the filing of such complaint, the proceedings
15 shall be conducted in accordance with the provisions of chapter
16 621, RSMo. Upon a finding by the administrative hearing
17 commission that one or more of the causes stated in subsection 1
18 of this section have been met, the [department] director may [do
19 any or all of the following:

20 (1) Censure the person involved;

21 (2) Place the person involved on probation on such terms
22 and conditions as the department deems appropriate for a period
23 not to exceed ten years;

24 (3) Suspend, for a period not to exceed three years, the
25 license of the person involved;

1 (4) Revoke the license of the person involved]
2 suspend or revoke the license or enter into an agreement for a
3 monetary or other penalty under section 374.280.

4 3. In lieu of filing a complaint at the administrative
5 hearing commission, the director and the bail bond agent or
6 general bail bond agent may enter into an agreement for a
7 monetary or other penalty under section 374.280.

8 4. In addition to any other remedies available, the
9 director may issue a cease and desist order or may seek an
10 injunction in a court of competent jurisdiction under the
11 provisions of section 374.046 whenever it appears that any person
12 is acting as a bail bond agent or general bail bond agent without
13 a license or violating any other provisions of sections 374.695
14 to 374.789.

15 374.757. 1. Any agent licensed by sections [374.700]
16 374.695 to 374.775 who intends to apprehend any person in this
17 state shall inform law enforcement authorities in the city or
18 county in which such agent intends such apprehension, before
19 attempting such apprehension. Such agent shall present to the
20 local law enforcement authorities a certified copy of the bond
21 and all other appropriate paperwork identifying the principal and
22 the person to be apprehended. Local law enforcement may
23 accompany the agent. Failure of any agent to whom this section
24 applies to comply with the provisions of this section shall be a
25 class A misdemeanor for the first violation and a class D felony

1 for subsequent violations; and shall also be a violation of
2 section 374.755 and may in addition be punished pursuant to that
3 section.

4 2. The surety recovery agent shall inform the local law
5 enforcement in the county or city where such agent is planning to
6 enter a residence. Such agent shall have a certified copy of the
7 bond and all appropriate paperwork to identify the principal.
8 Local law enforcement, when notified, may accompany the surety
9 recovery agent to that location to keep the peace if an active
10 warrant is effective for a felony or misdemeanor. If a warrant
11 is not active, the local law enforcement officers may accompany
12 the surety recovery agent to such location. Failure to report to
13 the local law enforcement agency is a class A misdemeanor. For
14 any subsequent violations, failure to report to the local law
15 enforcement agency is a class D felony.

16 374.759. 1. Any bail bond agent licensed in the state of
17 Missouri shall have access to all publicly available court
18 records of the defendant by available means to make a realistic
19 assessment of defendant's probability of attending all court
20 dates as set in his or her charges relating to bond request.

21 2. Any defendant shall have free access to any bail bond
22 agent via phone so long as the call is made to a local phone
23 number. All other numbers shall be available as a collect call
24 to any nonlocal number.

25 3. Bail bond agents shall have face-to-face access to any

1 defendant asking for a bond to be posted on his or her behalf
2 prior to issuance of such power of attorney on defendant's
3 behalf.

4 4. All Missouri licensed bail bond agents or licensed
5 general agents shall be qualified, without further requirements,
6 in all jurisdictions of this state.

7 5. If the court orders any bond for the defendant, cash or
8 otherwise, surety may issue said amount with his or her surety
9 being accepted the same as cash.

10 374.763. 1. If any final judgment ordering forfeiture of a
11 defendant's bond is not paid within [the] a six-month period of
12 time [ordered by the court], the court shall extend the judgment
13 date or notify the department of the failure to satisfy such
14 judgment. The director shall draw upon the assets of the surety,
15 remit the sum to the court, and obtain a receipt of such sum from
16 the court. The director may take action as provided by section
17 374.755 [or 374.430], regarding the license of the surety and any
18 bail bond agents writing upon the surety's liability.

19 2. The department shall furnish to the presiding judge of
20 each circuit court of this state, on at least a monthly basis, a
21 list of all duly licensed and qualified bail bond agents and
22 general bail bond agents whose licenses are not subject to
23 pending suspension or revocation proceedings, and who are not
24 subject to unsatisfied bond forfeiture judgments. In lieu of
25 such list, the department may provide this information to each

1 presiding judge in an electronic format.

2 3. All duly licensed and qualified bail bond agents and
3 general bail bond agents shall be qualified, without further
4 requirement, to write bail upon a surety's liability in all
5 courts of this state.

6 374.764. 1. The director shall examine and inquire into
7 all alleged violations or complaints filed with the department of
8 insurance of the bail bond law of the state, and inquire into and
9 investigate the bail bond business transacted in the state by any
10 bail bond agent, general bail bond agent, or surety recovery
11 agent.

12 2. The director or any of his or her duly appointed agents
13 may compel the attendance before him or her, and may examine,
14 under oath, the directors, officers, bail bond agents, general
15 bail bond agents, surety recovery agents, employees, or any other
16 person in reference to the condition, affairs, management of the
17 bail bond or surety recovery business, or any matters relating
18 thereto. He or she may administer oaths or affirmations and
19 shall have power to summon and compel the attendance of witnesses
20 and to require and compel the production of records, books,
21 papers, contracts, or other documents if necessary.

22 3. The director may make and conduct the investigation in
23 person or the director may appoint one or more persons to make
24 and conduct the investigation. If made by a person other than
25 the director, the person duly appointed by the director shall

1 have the same powers as granted to the director under this
2 section. A certificate of appointment under the official seal of
3 the director shall be sufficient authority and evidence thereof
4 for the person to act. For the purpose of making the
5 investigations, or having the same made, the director may employ
6 the necessary clerical, actuarial, and other assistance.

7 374.783. 1. No person shall hold himself or herself out as
8 being a surety recovery agent in this state, unless such person
9 is licensed in accordance with the provisions of sections 374.783
10 to 374.789. Licensed bail bond agents and general bail bond
11 agents may perform fugitive recovery without being licensed as a
12 surety agent.

13 2. The director shall have authority to license all surety
14 recovery agents in this state. The director shall have control
15 and supervision over the licensing of such agents and the
16 enforcement of the terms and provisions of sections 374.783 to
17 374.789.

18 3. The director shall have the power to:

19 (1) Set and determine the amount of the fees authorized and
20 required under sections 374.783 to 374.789. The fees shall be
21 set at a level sufficient to produce revenue which shall not
22 substantially exceed the cost and expense of administering
23 sections 374.783 to 374.789. However, such fees shall not exceed
24 one hundred fifty dollars for a two-year license; and

25 (2) Determine the sufficient qualifications of applicants

1 for a license.

2 4. The director shall license for a period of two years all
3 surety recovery agents in this state who meet the requirements of
4 sections 374.783 to 374.789.

5 374.784. 1. Applications for examination and licensure as
6 a surety recovery agent shall be submitted on forms prescribed by
7 the department and shall contain such information as the
8 department requires, along with a copy of the front and back of a
9 photographic identification card.

10 2. Each application shall be accompanied by proof
11 satisfactory to the director that the applicant is a citizen of
12 the United States, is at least twenty-one years of age, and has a
13 high school diploma or a general educational development
14 certificate (GED). An applicant shall furnish evidence of such
15 person's qualifications by completing an approved surety recovery
16 agent course with at least sixteen hours of initial minimum
17 training. The director shall determine which institutions,
18 organizations, associations, and individuals shall be eligible to
19 provide said training. Said instructions and fees associated
20 therewith shall be identical or similar to those prescribed in
21 section 374.710 for bail bond agents and general bail bond
22 agents.

23 3. In addition to said sixteen hours of initial minimum
24 training licensees shall be required to receive eight hours of
25 biennial continuing education of which said instructions and fees

1 shall be identical or similar to those prescribed in section
2 374.710 for bail bond agents and general bail bond agents.

3 4. Applicants for surety recovery agents licensing shall be
4 exempt from said requirements of the sixteen hours of initial
5 minimum training if applicants provide proof of prior training as
6 a law enforcement officer and proof of service as a law
7 enforcement officer during at least two of the ten years
8 immediately prior to the date the application for licensure is
9 submitted.

10 5. The director may refuse to issue any license pursuant to
11 sections 374.783 to 374.789, for any one or any combination of
12 causes stated in section 374.787. The director shall notify the
13 applicant in writing of the reason or reasons for refusal and
14 shall advise the applicant of the right to file a complaint with
15 the administrative hearing commission to appeal the refusal as
16 provided by chapter 621, RSMo.

17 374.785. 1. The director shall issue a license for a
18 period of two years to any surety recovery agent who is licensed
19 in another jurisdiction and who:

20 (1) Has no violations, suspensions, or revocations of a
21 license to engage in fugitive recovery in any jurisdiction; and

22 (2) Is licensed in a jurisdiction whose requirements are
23 substantially equal to or greater than the requirements for a
24 surety recovery agent license in Missouri at the time the
25 applicant applies for a license.

1 2. Any surety recovery agent who is licensed in another
2 state shall also be subject to the same training requirements as
3 in-state surety recovery agents prescribe to under section
4 374.784.

5 3. For the purpose of surrender of the defendant, a surety
6 recovery agent may apprehend the defendant anywhere within the
7 state of Missouri before or after the forfeiture of the
8 undertaking without personal liability for false imprisonment or
9 may empower any surety recovery agent to make apprehension by
10 providing written authority endorsed on a certified copy of the
11 undertaking and paying the lawful fees.

12 4. Every applicant for a license under this section, upon
13 making application and showing the necessary qualifications as
14 provided in this section, shall be required to pay the same fee
15 as required of resident applicants. Within the limits provided
16 in this section, the director may negotiate reciprocal compacts
17 with licensing entities of other states for the admission of
18 licensed surety recovery agents from Missouri in other states.

19 374.786. 1. Every person licensed under sections 374.783
20 to 374.789 shall, before the license renewal date, apply to the
21 director for renewal for the ensuing licensing period. The
22 application shall be made on a form furnished to the applicant
23 and shall state the applicant's full name, the applicant's
24 business address, the address at which the applicant resides, the
25 date the applicant first received a license, and the applicant's

1 surety recovery agent identification number, if any.

2 2. A renewal form shall be mailed to each person licensed
3 in this state at the person's last known address. The failure to
4 mail the renewal form or the failure of a person to receive it
5 does not relieve any person of the duty to be licensed and to pay
6 the license fee required nor exempt such person from the
7 penalties provided for failure to be licensed.

8 3. Each applicant for renewal shall accompany such
9 application with a renewal fee to be paid to the department for
10 the licensing period for which renewal is sought.

11 4. The director may refuse to renew any license required
12 under sections 374.783 to 374.789, for any one or any combination
13 of causes stated in section 374.787. The director shall notify
14 the applicant in writing of the reasons for refusal to renew and
15 shall advise the applicant of his or her right to file a
16 complaint with the administrative hearing commission as provided
17 by chapter 621, RSMo.

18 374.787. 1. The director may cause a complaint to be filed
19 with the administrative hearing commission as provided by chapter
20 621, RSMo, against any surety recovery agent or any person who
21 has failed to renew or has surrendered his or her license for any
22 one or any combination of the following causes:

23 (1) Violation of any provisions of, or any obligations
24 imposed by, the laws of this state, the department of insurance
25 rules and regulations, or aiding or abetting other persons to

1 violate such laws, orders, rules, or regulations;

2 (2) Final adjudication or a plea of guilty or nolo
3 contendere in a criminal prosecution under state or federal law
4 for a felony or a crime involving moral turpitude, whether or not
5 a sentence is imposed;

6 (3) Using fraud, deception, misrepresentation, or bribery
7 in securing a license or in obtaining permission to take any
8 examination required by sections 374.783 to 374.789;

9 (4) Obtaining or attempting to obtain any compensation as a
10 surety recovery agent by means of fraud, deception, or
11 misrepresentation;

12 (5) Acting as a surety recovery agent or aiding or abetting
13 another in acting as a surety recovery agent without a license;

14 (6) Incompetence, misconduct, gross negligence, fraud, or
15 misrepresentation in the performance of the functions of duties
16 of a surety recovery agent;

17 (7) Having a revoked or suspended license issued by another
18 state.

19 2. After the filing of the complaint, the proceedings shall
20 be conducted in accordance with the provision of chapter 621,
21 RSMo. Upon a finding by the administrative hearing commission
22 that one or more of the causes stated in subsection 1 of this
23 section have been met, the director may suspend or revoke the
24 license or enter into an agreement for a monetary or other
25 penalty under section 374.280.

1 3. In lieu of filing a complaint with the administrative
2 hearing commission, the director and the surety recovery agent
3 may enter into an agreement for a monetary or other penalty under
4 section 374.280.

5 4. In addition to any other remedies available, the
6 director may issue a cease and desist order or may seek an
7 injunction in a court of law under section 374.046 whenever it
8 appears that any person is acting as a surety recovery agent
9 without a license.

10 374.788. 1. A bail bond agent having probable grounds to
11 believe a subject free on his or her bond has failed to appear as
12 directed by a court, has breached the terms of the subject's
13 surety agreement, or has taken a substantial step toward
14 absconding, may utilize all lawful means to apprehend the
15 subject. To surrender a subject to a court, a licensed bail bond
16 or surety recovery agent having probable ground to believe the
17 subject is free on his or her bond may:

18 (1) Detain the subject in a lawful manner for a reasonable
19 time provided that in the event travel from another state is
20 involved, the detention period may include reasonable travel time
21 not to exceed seventy-two hours;

22 (2) Transport a subject in a lawful manner from state to
23 state and county to county to a place of authorized surrender;
24 and

25 (3) Enter upon private or public property in a lawful

1 manner to execute apprehension of a subject.

2 2. A surety recovery agent who apprehends a subject under
3 the provisions of subsection 1 of this section shall surrender
4 custody of the subject to the court of jurisdiction.

5 3. When a surety recovery agent is in the process of
6 performing fugitive recovery, a photographic identification card
7 shall be prominently displayed on his or her person.

8 374.789. 1. A person is guilty of a class D felony if he
9 or she does not hold a valid surety recovery agent license or a
10 bail bond license and commits any of the following acts:

11 (1) Holds himself or herself out to be a licensed surety
12 recovery agent within this state;

13 (2) Claims that he or she can render surety recovery agent
14 services; or

15 (3) Engages in fugitive recovery in this state.

16 2. Any person who engages in fugitive recovery in this
17 state and wrongfully causes damage to any person or property,
18 including, but not limited to, unlawful apprehension, unlawful
19 detainment, or assault, shall be liable for such damages and may
20 be liable for punitive damages.

21 436.215. Sections 436.215 to 436.272 may be cited as the
22 "Uniform Athlete Agents Act".

23 436.218. As used in sections 436.215 to 436.272, the
24 following terms mean:

25 (1) "Agency contract", an agreement in which a student-

1 athlete authorizes a person to negotiate or solicit on behalf of
2 the student-athlete a professional-sports-services contract or an
3 endorsement contract;

4 (2) "Athlete agent", an individual who enters into an
5 agency contract with a student-athlete or directly or indirectly
6 recruits or solicits a student-athlete to enter into an agency
7 contract. The term does not include a spouse, parent, sibling,
8 grandparent, or guardian of the student-athlete or an individual
9 acting solely on behalf of a professional sports team or
10 professional sports organization. The term includes an
11 individual who represents to the public that the individual is an
12 athlete agent;

13 (3) "Athletic director", an individual responsible for
14 administering the overall athletic program of an educational
15 institution or if an educational institution has separately
16 administered athletic programs for male students and female
17 students, the athletic program for males or the athletic program
18 for females, as appropriate;

19 (4) "Contact", a direct or indirect communication between
20 an athlete agent and a student-athlete to recruit or solicit the
21 student-athlete to enter into an agency contract;

22 (5) "Director", the director of the division of
23 professional registration;

24 (6) "Division", the division of professional registration;

25 (7) "Endorsement contract", an agreement under which a

1 student-athlete is employed or receives consideration to use on
2 behalf of the other party any value that the student-athlete may
3 have because of publicity, reputation, following, or fame
4 obtained because of athletic ability or performance;

5 (8) "Intercollegiate sport", a sport played at the
6 collegiate level for which eligibility requirements for
7 participation by a student-athlete are established by a national
8 association for the promotion or regulation of collegiate
9 athletics;

10 (9) "Person", an individual, corporation, business trust,
11 estate, trust, partnership, limited liability company,
12 association, joint venture, government, governmental subdivision,
13 agency, or instrumentality, public corporation, or any other
14 legal or commercial entity;

15 (10) "Professional-sports-services contract", an agreement
16 under which an individual is employed or agrees to render
17 services as a player on a professional sports team, with a
18 professional sports organization, or as a professional athlete;

19 (11) "Record", information that is inscribed on a tangible
20 medium or that is stored in an electronic or other medium and is
21 retrievable in perceivable form;

22 (12) "Registration", registration as an athlete agent under
23 sections 436.215 to 436.272;

24 (13) "State", a state of the United States, the District of
25 Columbia, Puerto Rico, the United States Virgin Islands, or any

1 territory or insular possession subject to the jurisdiction of
2 the United States;

3 (14) "Student-athlete", an individual who engages in, is
4 eligible to engage in, or may be eligible in the future to engage
5 in, any intercollegiate sport. If an individual is permanently
6 ineligible to participate in a particular intercollegiate sport
7 the individual is not a student-athlete for purposes of that
8 sport.

9 436.221. 1. The director shall administer the provisions
10 of sections 436.215 to 436.272.

11 2. By engaging in the business of an athlete agent in this
12 state, a nonresident individual appoints the director as the
13 individual's agent to accept service of process in any civil
14 action related to the individual's business as an athlete agent
15 in this state.

16 3. The director may subpoena witnesses, issue subpoenas
17 duces tecum and require production of documents and records.
18 Subpoenas including subpoenas duces tecum shall be served by a
19 person authorized to serve subpoenas of courts of record. In
20 lieu of requiring attendance of a person to produce original
21 documents in response to a subpoena duces tecum, the board may
22 require sworn copies of such documents to be filed with it or
23 delivered to its designated representative.

24 4. The director may enforce its subpoenas including
25 subpoenas duces tecum by applying to a circuit court of Cole

1 County, the county of the investigation, hearing or proceeding,
2 or any county where the person resides or may be found for an
3 order upon any person who shall fail to obey a subpoena to show
4 cause why such subpoena should not be enforced, which such order
5 and a copy of the application therefore shall be served upon the
6 person in the same manner as a summons in a civil action and if
7 the circuit court shall after a hearing determine that the
8 subpoena should be sustained and enforced such court shall
9 proceed to enforce the subpoena in the same manner as though the
10 subpoena had been issued in a civil case in the circuit court.

11 436.224. 1. Except as otherwise provided in subsection 2
12 of this section, an individual may not act as an athlete agent in
13 this state before being issued a certificate of registration
14 under section 436.230 or 436.236.

15 2. An individual with a temporary license under section
16 436.236 may act as an athlete agent before being issued a
17 certificate of registration for all purposes except signing an
18 agency contract if:

19 (1) A student-athlete or another acting on behalf of the
20 student-athlete initiates communication with the individual; and

21 (2) Within seven days after an initial act as an athlete
22 agent, the individual submits an application to register as an
23 athlete agent in this state.

24 3. An agency contract resulting from conduct in violation
25 of this section is void. The athlete agent shall return any

1 consideration received under the contract.

2 436.227. 1. An applicant for registration shall submit an
3 application for registration to the director in a form prescribed
4 by the director. The application must be in the name of an
5 individual and signed by the applicant under penalty of perjury
6 and must state or contain:

7 (1) The name of the applicant and the address of the
8 applicant's principal place of business;

9 (2) The name of the applicant's business or employer, if
10 applicable;

11 (3) Any business or occupation engaged in by the applicant
12 for the five years next preceding the date of submission of the
13 application;

14 (4) A description of the applicant's:

15 (a) Formal training as an athlete agent;

16 (b) Practical experience as an athlete agent; and

17 (c) Educational background relating to the applicant's
18 activities as an athlete agent;

19 (5) The names and addresses of three individuals not
20 related to the applicant who are willing to serve as references;

21 (6) The name, sport, and last known team for each
22 individual for whom the applicant provided services as an athlete
23 agent during the five years next preceding the date of submission
24 of the application;

25 (7) The names and addresses of all persons who are:

1 (a) With respect to the athlete agent's business if it is
2 not a corporation, the partners, officers, associates, or profit-
3 sharers; and

4 (b) With respect to a corporation employing the athlete
5 agent, the officers, directors, and any shareholder of the
6 corporation with a five percent or greater interest;

7 (8) Whether the applicant or any other person named under
8 subdivision (7) of this subsection has been convicted of a crime
9 that if committed in this state would be a felony or other crime
10 involving moral turpitude, and a description of the crime;

11 (9) Whether there has been any administrative or judicial
12 determination that the applicant or any other person named under
13 subdivision (7) of this subsection has made a false, misleading,
14 deceptive, or fraudulent representation;

15 (10) Any instance in which the prior conduct of the
16 applicant or any other person named under subdivision (7) of this
17 subsection resulted in the imposition of a sanction, suspension,
18 or declaration of ineligibility to participate in an
19 interscholastic or intercollegiate athletic event on a student-
20 athlete or educational institution;

21 (11) Any sanction, suspension, or disciplinary action taken
22 against the applicant or any other person named under subdivision
23 (7) of this subsection arising out of occupational or
24 professional conduct; and

25 (12) Whether there has been any denial of an application

1 for, suspension or revocation of, or refusal to renew, the
2 registration or licensure of the applicant or any other person
3 named under subdivision (7) of this subsection as an athlete
4 agent in any state.

5 436.230. 1. Except as otherwise provided in subsection 2
6 of this section, the director shall issue a certificate of
7 registration to an individual who complies with subsection 1 of
8 section 436.227.

9 2. The director may refuse to issue a certificate of
10 registration if the director determines that the applicant has
11 engaged in conduct that has a significant adverse effect on the
12 applicant's fitness to serve as an athlete agent. In making the
13 determination, the director may consider whether the applicant
14 has:

15 (1) Been convicted of a crime that if committed in this
16 state would be a felony or other crime involving moral turpitude;

17 (2) Made a materially false, misleading, deceptive, or
18 fraudulent representation as an athlete agent or in the
19 application;

20 (3) Engaged in conduct that would disqualify the applicant
21 from serving in a fiduciary capacity;

22 (4) Engaged in conduct prohibited by section 436.254;

23 (5) Had a registration or licensure as an athlete agent
24 suspended, revoked, or denied or been refused renewal of
25 registration or licensure in any state;

1 (6) Engaged in conduct or failed to engage in conduct the
2 consequence of which was that a sanction, suspension, or
3 declaration of ineligibility to participate in an interscholastic
4 or intercollegiate athletic event was imposed on a student-
5 athlete or educational institution; or

6 (7) Engaged in conduct that significantly adversely
7 reflects on the applicant's credibility, honesty, or integrity.

8 4. In making a determination under subsection 3 of this
9 section, the director shall consider:

10 (1) How recently the conduct occurred;

11 (2) The nature of the conduct and the context in which it
12 occurred; and

13 (3) Any other relevant conduct of the applicant.

14 5. An athlete agent may apply to renew a registration by
15 submitting an application for renewal in a form prescribed by the
16 director. The application for renewal must be signed by the
17 applicant under penalty of perjury under section 575.040, RSMo,
18 and shall contain current information on all matters required in
19 an original registration.

20 6. A certificate of registration or a renewal of a
21 registration is valid for two years.

22 436.233. 1. The director may revoke, suspend, or refuse to
23 renew any certificate of registration required under this chapter
24 for one or any combination of causes stated in subsection 2 of
25 this section. The director shall notify the applicant in writing

1 of the reasons for the refusal and shall advise the applicant of
2 the applicant's right to file a complaint with the administrative
3 hearing commission as provided by chapter 621, RSMo.

4 2. The director may cause a complaint to be filed with the
5 administrative hearing commission as provided by chapter 621,
6 RSMo, against any holder of any certificate of registration
7 required by this chapter or any person who has failed to renew or
8 has surrendered the person's certificate of registration for any
9 one or any combination of the following causes:

10 (1) The person has been finally adjudicated and found
11 guilty, or entered a plea of guilty or nolo contendere, in a
12 criminal prosecution under the laws of any state or of the United
13 States, for any offense reasonably related to the qualifications,
14 functions or duties under this chapter, for any offense an
15 essential element of which is fraud, dishonesty or an act of
16 violence, or for any offense involving moral turpitude, whether
17 or not sentence is imposed;

18 (2) Use of fraud, deception, misrepresentation or bribery
19 in securing any certificate of registration under this chapter;

20 (3) Misconduct, fraud, misrepresentation, dishonesty,
21 unethical conduct or unprofessional conduct in the performance of
22 the functions regulated by this chapter including but not limited
23 to the following:

24 (a) Obtaining or attempting to obtain any fee, charge,
25 tuition, or other compensation by fraud, deception, or

1 misrepresentation;

2 (b) Attempting directly or indirectly by way of
3 intimidation, coercion or deception, to obtain consultation;

4 (c) Failure to comply with any subpoena or subpoena duces
5 tecum from the director;

6 (d) Failing to inform the director of the athlete agent's
7 current residence and business address;

8 (4) Violation of, or attempting to violate, directly or
9 indirectly, or assisting or enabling any person to violate, any
10 provision of this chapter, or of any lawful rule or regulation
11 adopted under this chapter;

12 (5) Impersonation of any person holding a certificate of
13 registration or allowing any person to use his or her certificate
14 of registration;

15 (6) Violation of the drug laws or rules and regulations of
16 this state, any other state, or the federal government;

17 (7) Knowingly making, or causing to be made, or aiding, or
18 abetting in the making of, a false statement in any birth or
19 other certificate or document executed in connection with the
20 transaction;

21 (8) Soliciting patronage in person, by agents, by
22 representatives, or by any other means or manner, under the
23 person's own name or under the name of another person or concern,
24 actual or pretended in such a manner as to confuse, deceive, or
25 mislead the public;

1 (9) A pattern of personal use or consumption of any
2 controlled substance unless it is prescribed, dispensed or
3 administered by a physician who is authorized by law to do so.

4 3. After the filing of such complaint before the
5 administrative hearing commission, the proceedings shall be
6 conducted in accordance with the provisions of chapter 621, RSMo.
7 Upon a finding by the administrative hearing commission that the
8 grounds provided in subsection 2 of this section for disciplinary
9 action are met the director may singly or in combination warn,
10 censure, or place the person named in the complaint on probation
11 on such terms and conditions as the director deems appropriate
12 for a period not to exceed six months, or may suspend the
13 person's certificate of registration period not to exceed one
14 year, or restrict or limit the person's certificate of
15 registration for an indefinite period of time, or revoke the
16 person's certificate of registration.

17 4. In any order of revocation, the director may provide
18 that the person may not apply for reinstatement of the person's
19 certificate of registration for a period of time ranging from two
20 to seven years following the date of the order of revocation.
21 All stay orders shall toll this time period.

22 436.236. The director may issue a temporary certificate of
23 registration valid for sixty days while an application for
24 registration or renewal is pending.

25 436.239. 1. An application for registration or renewal of

1 registration shall be accompanied by a fee which shall be
2 determined by the director and established by rule. All fees
3 payable under the provisions of this section shall be collected
4 by the division of professional registration and transmitted to
5 the department of revenue for deposit in the state treasury to
6 the credit of the fund to be known as the "Athlete Agent Fund"
7 which is hereby established. The provisions of section 33.080,
8 RSMo, to the contrary notwithstanding, money in the athlete agent
9 fund shall not be transferred and placed to the credit of general
10 revenue until the amount in the athlete agent fund at the end of
11 the biennium exceeds two times the amount of the appropriations
12 from such fund for the preceding fiscal year or, if the director
13 allows renewal of registration less frequently than yearly, then
14 three times the appropriations from such fund for the preceding
15 fiscal year; provided that no amount from such fund may be
16 transferred to the credit of general revenue earlier than two
17 years following the effective date of this section. The amount
18 if any which may be transferred to the credit of general revenue
19 after two years following the effective date of this section is
20 that amount in the athlete agent fund which exceeds the
21 appropriate multiple of the appropriations from such fund for the
22 preceding fiscal year.

23 2. The director may promulgate rules to authorize and file
24 athlete agent documents as that term is defined in section
25 536.010, RSMo. Any rule promulgated under the authority in this

1 section shall become effective only if it complies with and is
2 subject to all of the provisions of chapter 536, RSMo, and, if
3 applicable, section 536.028, RSMo. This section and chapter 536,
4 RSMo, are nonseverable and if any of the powers vested with the
5 general assembly under chapter 536, RSMo, to review, to delay the
6 effective date, or to disapprove and annul a rule are
7 subsequently held unconstitutional then the grant of rulemaking
8 authority and any rule proposed or adopted after August 28, 2003,
9 shall be invalid and void.

10 436.242. 1. An agency contract must be in a record signed
11 by the parties.

12 2. An agency contract must state or contain:

13 (1) The amount and method of calculating the consideration
14 to be paid by the student-athlete for services to be provided by
15 the athlete agent under the contract and any other consideration
16 the athlete agent has received or will receive from any other
17 source for entering into the contract or for providing the
18 services;

19 (2) The name of any person not listed in the application
20 for registration or renewal who will be compensated because the
21 student-athlete signed the agency contract;

22 (3) A description of any expenses that the student-athlete
23 agrees to reimburse;

24 (4) A description of the services to be provided to the
25 student-athlete;

1 (5) The duration of the contract; and

2 (6) The date of execution.

3 3. An agency contract shall contain in close proximity to
4 the signature of the student-athlete a conspicuous notice in
5 boldface type in capital letters stating:

6 "WARNING TO STUDENT-ATHLETE IF YOU SIGN THIS CONTRACT: (1) YOU
7 MAY LOSE YOUR ELIGIBILITY TO COMPETE AS A STUDENT-ATHLETE IN YOUR
8 SPORT; (2) BOTH YOU AND YOUR ATHLETE AGENT ARE REQUIRED TO TELL
9 YOUR ATHLETIC DIRECTOR, IF YOU HAVE AN ATHLETIC DIRECTOR, WITHIN
10 72 HOURS AFTER ENTERING INTO AN AGENCY CONTRACT; AND (3) YOU MAY
11 CANCEL THIS CONTRACT WITHIN 14 DAYS AFTER SIGNING IT.
12 CANCELLATION OF THE CONTRACT MAY NOT REINSTATE YOUR ELIGIBILITY."

13 4. An agency contract that does not conform to this section
14 is voidable by the student-athlete.

15 5. The athlete agent shall give a copy of the signed agency
16 contract to the student-athlete at the time of signing.

17 436.245. 1. Within seventy-two hours after entering into
18 an agency contract or before the next scheduled athletic event in
19 which the student-athlete may participate whichever occurs first
20 the athlete agent shall give notice in writing of the existence
21 of the contract to the athletic director of the educational
22 institution at which the student-athlete is enrolled or the
23 athlete agent has reasonable grounds to believe the student-
24 athlete intends to enroll.

1 2. Within seventy-two hours after entering into an agency
2 contract or before the next athletic event in which the student-
3 athlete may participate whichever occurs first the student-
4 athlete shall in writing inform the athletic director of the
5 educational institution at which the student-athlete is enrolled
6 that he or she has entered into an agency contract.

7 436.248. 1. A student-athlete may cancel an agency
8 contract by giving notice in writing to the athlete agent of the
9 cancellation within fourteen days after the contract is signed.

10 2. A student-athlete may not waive the right to cancel an
11 agency contract.

12 3. If a student-athlete cancels an agency contract within
13 fourteen days of signing the contract, the student-athlete is not
14 required to pay any consideration under the contract or to return
15 any consideration received from the agent to induce the student-
16 athlete to enter into the contract.

17 436.251. 1. An athlete agent shall retain the following
18 records for a period of five years:

19 (1) The name and address of each individual represented by
20 the athlete agent;

21 (2) Any agency contract entered into by the athlete agent;
22 and

23 (3) Any direct costs incurred by the athlete agent in the
24 recruitment or solicitation of a student-athlete.

25 2. Records required by subsection 1 of this section to be

1 retained are open to inspection by the director during normal
2 business hours.

3 436.254. 1. An athlete agent may not do any of the
4 following with the intent to induce a student-athlete to enter
5 into an agency contract:

6 (1) Give any materially false or misleading information or
7 make a materially false promise or representation;

8 (2) Furnish anything of value to a student-athlete before
9 the student-athlete enters into the agency contract; or

10 (3) Furnish anything of value to any individual other than
11 the student-athlete or another registered athlete agent.

12 2. An athlete agent may not intentionally:

13 (1) Initiate contact with a student-athlete unless
14 registered under sections 436.215 to 436.272;

15 (2) Refuse or willfully fail to retain or permit inspection
16 of the records required by section 436.251;

17 (3) Violate section 436.224 by failing to register;

18 (4) Provide materially false or misleading information in
19 an application for registration or renewal of registration;

20 (5) Predate or postdate an agency contract; or

21 (6) Fail to notify a student-athlete prior to the student
22 athlete's signing an agency contract for a particular sport that
23 the signing by the student-athlete may make the student-athlete
24 ineligible to participate as a student-athlete in that sport.

25 436.257. The commission of any act prohibited by section

1 436.254 by an athlete agent is a class B misdemeanor.

2 436.260. 1. An educational institution has a right of
3 action against an athlete agent or a former student-athlete for
4 damages caused by a violation of sections 436.215 to 436.272. In
5 an action under this section, the court may award to the
6 prevailing party costs and reasonable attorney's fees.

7 2. Damages of an educational institution under subsection 1
8 of this section include losses and expenses incurred because as a
9 result of the activities of an athlete agent or former student-
10 athlete the educational institution was injured by a violation of
11 sections 436.215 to 436.272 or was penalized, disqualified, or
12 suspended from participation in athletics by a national
13 association for the promotion and regulation of athletics, by an
14 athletic conference, or by reasonable self-imposed disciplinary
15 action taken to mitigate sanctions.

16 3. A right of action under this section does not accrue
17 until the educational institution discovers or by the exercise of
18 reasonable diligence would have discovered the violation by the
19 athlete agent or former student-athlete.

20 4. Any liability of the athlete agent or the former
21 student-athlete under this section is several and not joint.

22 5. Sections 436.215 to 436.272 do not restrict rights,
23 remedies, or defenses of any person under law or equity.

24 436.263. Any person who violates any provisions of sections
25 436.215 to 436.269 is guilty of a class A misdemeanor.

1 436.266. In applying and construing sections 436.215 to
2 436.272, consideration must be given to the need to promote
3 uniformity of the law with respect to the subject matter of
4 sections 436.215 to 436.272 among states that enact it.

5 436.269. If any provision of sections 436.215 to 436.272 or
6 its application to any person or circumstance is held invalid,
7 the invalidity does not affect other provisions or applications
8 of sections 436.215 to 436.272 which can be given effect without
9 the invalid provision or application, and to this end the
10 provisions of sections 436.215 to 436.272 are severable.

11 436.272. Any moneys collected by the director under section
12 436.263 shall immediately be transferred to the department of
13 revenue for deposit in the state treasury to the credit of
14 general revenue.

15 544.640. 1. If, without sufficient cause or excuse, the
16 defendant fails to appear either in person or by legal counsel
17 for trial or judgment, or upon any other occasion when his or her
18 presence in court may be lawfully required, according to the
19 condition of his or her recognizance, the court must direct the
20 fact to be entered upon its minutes, and thereupon [the
21 recognizance is forfeited, and the same shall be proceeded upon
22 by scire facias to final judgment and execution thereon, although
23 the defendant may be afterward arrested on the original charge,
24 unless remitted by the court for cause shown] at the end of the
25 court day the court may forfeit the bond and order an execution

1 hearing not sooner than sixty days but not later than one hundred
2 eighty days after the date the person failed to appear. Notice
3 of the execution hearing shall be served within ten days of such
4 failure to appear by certified copy of bond to the surety's
5 office. Service shall be completed upon mailing of such
6 certified notice.

7 2. If at the execution hearing it is determined that the
8 judgment should be entered, the court shall so order and a writ
9 of scire facias shall be filed in the office of the clerk of the
10 court where such judgment is entered.

11 3. The court shall issue a warrant for the defendant for
12 failure to appear.

13 4. If the bail bond agent provides proof of the
14 incarceration of the defendant who failed to appear, or provides
15 proof to the court that it is physically impossible for the
16 defendant bail bond agent or surety to satisfy the conditions of
17 the bond through no fault of the bail bond agent or surety, and
18 the court agrees with such proof of physically impossible
19 conditions, the bail bond agent or surety shall be released from
20 liability and all money and property deposited with the court
21 shall be returned within ten days.

22 5. In cases in which subsection 2 of this section is not
23 applicable, on application of the surety filed within one year of
24 the payment of final judgment, the court shall order remission of
25 one hundred percent of the bond amount to the surety if the

1 surety surrenders the principal to an authorized officer, or such
2 surrender has been denied by an authorized officer, or the surety
3 locates the defendant in custody in another jurisdiction and it
4 is shown to the court by presentation of competent evidence from
5 the surety or the holding institution that such surrender has
6 been made or denied or that the defendant is in custody in
7 another jurisdiction or that such surrender has been made, the
8 court shall direct that the judgment be marked satisfied and that
9 the writ of execution, scire facial, be canceled.

10 The court shall notify the surety's main office by certified mail
11 within ten days' notification of the defendant's incarceration.

12 6. A defendant shall be surrendered without the return of
13 premium for the bond if the indemnitor attests in writing the
14 desire to be released from the bond or if the surety or the bail
15 bond agent discovers that the defendant is guilty of:

16 (1) Failing to appear in court;

17 (2) Changing his or her address without notifying the bail
18 bond agent or surety in writing;

19 (3) Concealing himself or herself;

20 (4) Leaving the jurisdiction of the court without the
21 written permission of his or her bail bond agent or surety or
22 court;

23 (5) Violating his or her contract with the bail bond agent
24 or surety in a way that may be harmful to the bail bond agent or

1 the surety or violating his or her obligation to the court;

2 (6) Being arrested for a crime other than a traffic
3 violation where the penalty is an infraction or a misdemeanor;

4 (7) Failing to pay any fee due to the bail bond agent or
5 surety;

6 (8) Providing false information to the bail bond agent or
7 surety; or

8 (9) Knowingly or unknowingly violating any other condition
9 of the bail or bail bond contract.

10 7. Upon forfeiture of the bond, the court may order that
11 the defendant's driver's license be suspended until such time as
12 the defendant has satisfied the forfeiture.

13 8. The provisions of this section shall apply to all bail
14 bonds.

15 9. As used in this section, the term "bail bond" means the
16 only form of security to ensure subsequent court appearances
17 accepted by the courts in this state except for recognizance for
18 people who are located and who have not previously pleaded guilty
19 to or been found guilty of failure to appear.

20 620.127. Notwithstanding any provision of law to the
21 contrary, every application for a license, certificate,
22 registration, or permit, or renewal of a license, certificate,
23 registration, or permit issued in this state shall contain the
24 Social Security number of the applicant. This provision shall
25 not apply to an original application for a license, certificate,

1 registration, or permit submitted by a citizen of a foreign
2 country who has never been issued a Social Security number and
3 who previously has not been licensed by any other state, United
4 States territory, or federal agency. A citizen of a foreign
5 country applying for licensure with the division of professional
6 registration shall be required to submit his or her visa or
7 passport identification number in lieu of the Social Security
8 number.

9 620.145. [1.] The division of professional registration
10 shall maintain, for each board in the division, a registry of
11 each person holding a current license, permit or certificate
12 issued by that board. The registry shall contain the name,
13 Social Security number and address of each person licensed or
14 registered together with other relevant information as determined
15 by the board. The registry for each board shall at all times be
16 available to the board and copies shall be supplied to the board
17 on request. Copies of the registry, except for the registrant's
18 Social Security number, shall be available from the division or
19 the board to any individual who pays the reasonable copying cost.
20 Any individual may copy the registry during regular business
21 hours. The information in the registry shall be furnished upon
22 request to the division of child support enforcement. Questions
23 concerning the currency of license of any individual shall be
24 answered, without charge, by the appropriate board. Each year
25 each board may publish, or cause to be published, a directory

1 containing the name and address of each person licensed or
2 registered for the current year together with any other
3 information the board deems necessary. Any expense incurred by
4 the state relating to such publication shall be charged to the
5 board. An official copy of any such publication shall be filed
6 with the director of the department of economic development.

7 [2. Notwithstanding any provision of law to the contrary,
8 each board shall require each person applying for a license,
9 permit or certificate, or a renewal of a license, permit or
10 certificate to furnish the board with the applicant's Social
11 Security number.]

12 [339.600. 1. As used in sections
13 339.600 to 339.610, the following terms mean:

14 (1) "Commission", the Missouri real
15 estate commission;

16 (2) "Escrow agent", any person,
17 partnership, association or corporation,
18 foreign or domestic, who performs any of the
19 following functions: closings or settlements
20 or any function related thereto in sales,
21 exchanges or other transfers of real
22 property.

23 2. A person or entity who meets the
24 definition of escrow agent as provided in
25 subsection 1 of this section is exempt from
26 the provisions of sections 339.600 to 339.610
27 if such person is:

28 (1) A person or entity doing business
29 under the laws of this state or the United
30 States as a bank, trust company, savings and
31 loan association, credit union, commercial or
32 consumer finance company, industrial loan
33 company, insurance company or title insurance
34 company or title insurance agency;

35 (2) An attorney at law;

36 (3) A person or entity licensed
37 pursuant to this chapter rendering services
38 in the performance of his or her duties as a
39 real estate broker or salesperson;

1 (4) A mortgage loan company which is
2 subject to licensing, supervision or auditing
3 by the Federal National Mortgage Association
4 or the Federal Home Loan Mortgage Corporation
5 or the United States Veterans' Administration
6 or the Government National Mortgage
7 Association or the United States Department
8 of Housing and Urban Development or a
9 successor of any of such agencies or
10 entities, as an approved seller or servicer;
11 or

12 (5) The United States, the state of
13 Missouri or any state, any political
14 subdivision of this state or any agency,
15 division or corporate instrumentality
16 thereof.]

17 [339.603. 1. It is unlawful for any
18 person, partnership, association or
19 corporation, foreign or domestic, to act as
20 an escrow agent, or to advertise or attempt
21 to act as such without being properly
22 registered with the commission.

23 2. Upon application by the commission
24 and upon proof by a preponderance of the
25 evidence, a court of general jurisdiction may
26 grant an injunction, restraining order or
27 other order as may be appropriate to enjoin a
28 person from unlawfully engaging or attempting
29 to engage in the activities identified in
30 sections 339.600 to 339.610.]

31 [339.605. 1. A person, partnership,
32 association or corporation, incorporated
33 pursuant to the laws of Missouri, may be
34 registered as an escrow agent pursuant to
35 sections 339.600 to 339.610, if such person,
36 partners of the partnership, members of the
37 association or officers of the corporation
38 are at least eighteen years of age, of good
39 moral character and are competent to transact
40 the business of an escrow agent in such
41 manner as to safeguard the interest of the
42 public. The commission shall require proof
43 that such persons meet the qualifications as
44 provided in this subsection.

45 2. A corporation, partnership or
46 association may be registered if every
47 partner of the partnership, every member of
48 the association, or every officer of the

1 corporation who actively participates in its
2 escrow business has been registered and the
3 corporation, partnership or association has
4 paid all the required fees.

5 3. Applications for registration shall
6 be submitted in writing on forms furnished by
7 the commission and accompanied by such
8 information and recommendations as the
9 commission may require.

10 4. The commission may refuse to
11 register any person, partnership, association
12 or corporation if the person, partner, member
13 or a direct or indirect controlling
14 stockholder has been found guilty of, or
15 pleaded guilty to, stealing, forgery,
16 embezzlement, obtaining money under false
17 pretenses, extortion, criminal conspiracy to
18 defraud or any similar offense.]

19 [339.606. The commission may promulgate
20 rules and regulations and perform all duties
21 necessary for carrying out the provisions of
22 sections 339.600 to 339.610. The commission
23 shall set the amount of the fees which are
24 authorized pursuant to sections 339.600 to
25 339.610 by rules and regulations promulgated
26 pursuant to section 536.021, RSMo. The fees
27 shall be set at a level to produce revenue
28 which shall not substantially exceed the cost
29 and expense of administering sections 339.600
30 to 339.610.]

31 [339.607. Each registration granted
32 pursuant to sections 339.600 to 339.610 shall
33 be renewed every two years and the commission
34 shall issue a new registration upon receipt
35 of a proper renewal application and the
36 required renewal fee.]

37 [339.608. The fees collected pursuant
38 to the provisions of sections 339.600 to
39 339.610 shall be collected by the Missouri
40 real estate commission and shall be sent to
41 the director of the department of revenue for
42 deposit in the state treasury in the "Escrow
43 Agent Administration Fund" which is hereby
44 created. The commission shall administer the
45 fund and shall use the moneys in the fund
46 solely for the administration and enforcement
47 of sections 339.600 to 339.610.

1 Notwithstanding the provisions of section
2 33.080, RSMo, to the contrary, any unexpended
3 balance in the fund at the end of the
4 biennium shall not be transferred to the
5 general revenue fund, but shall remain in the
6 escrow agent administration fund.]

7 [339.610. Any funds received by an
8 escrow agent from any person that are to be
9 used for third-party expenses shall be
10 deposited no later than five banking days
11 after receipt in an escrow account in any
12 federally insured bank, savings and loan
13 association or credit union. The funds in
14 such escrow account shall be expended for the
15 intended use by the escrow agent within
16 ninety days after the obligations of the
17 third party have been completed.]

18 [339.612. The commission or its
19 designated agent may inspect and audit the
20 escrow accounts or accounting records of any
21 escrow agent at any time during normal
22 business hours to determine if escrow funds
23 are being expended and disbursed in a timely
24 fashion and for the intended use. If the
25 commission determines that such escrow funds
26 have been used for any purpose other than the
27 intended purposes, the escrow agent is liable
28 to the intended payee of the funds for any
29 misappropriated funds and the Missouri real
30 estate commission shall cause legal
31 proceedings to be held in any court of
32 competent jurisdiction to enforce the
33 provisions of this section and sections
34 339.610, 339.614, and 339.617. The
35 commission's authority to instigate legal
36 proceedings to enforce the provisions of this
37 section is in addition to the authority to
38 file a complaint with the administrative
39 hearing commission.]

40 [339.614. The records of any inspection
41 or audit made pursuant to the authority in
42 section 339.612 shall be made available to
43 the escrow agent and the parties to the
44 transaction but shall not be considered open
45 to the public unless public money is directly
46 involved or a court of competent jurisdiction
47 orders that such records be opened.]

1 [339.617. 1. The commission may, upon
2 its own motion or upon a written complaint
3 filed by any person, investigate any business
4 transaction, regulated by the provisions of
5 sections 339.600 to 339.610, of any person,
6 partnership, association or corporation
7 registered pursuant to the provisions of
8 sections 339.600 to 339.610. The commission
9 may use all investigatory and subpoena powers
10 provided in section 339.100 in investigating
11 such business transaction. The commission
12 may file a complaint with the administrative
13 hearing commission and the proceedings shall
14 be conducted as provided in chapter 621,
15 RSMo. If the administrative hearing
16 commission finds that the escrow agent is not
17 in compliance with sections 339.610 to
18 339.617 or is operating in an unsafe or
19 unsound manner, the commission may cancel the
20 registration of such escrow agent. If the
21 registration of any escrow agent is canceled
22 pursuant to this subsection, such escrow
23 agent may not accept any referral of business
24 which is regulated by the provisions of
25 sections 339.600 to 339.610.
26 2. No real estate licensee may
27 knowingly refer escrow or real estate closing
28 business to any escrow agent which does not
29 hold a current registration pursuant to
30 sections 339.600 to 339.610.]

31 [374.725. Any person who, on September
32 28, 1983, is acting in any capacity which
33 would be classified as practicing as a bail
34 bond agent or general bail bond agent under
35 the provisions of sections 374.700 to 374.775
36 may continue to act in such capacity without
37 being licensed under sections 374.700 to
38 374.775 for a period of twelve months from
39 September 28, 1983.]

40 [374.765. 1. Any person who practices
41 as a bail bond agent or general bail bond
42 agent, or who purports to be a bail bond
43 agent, or general bail bond agent, as defined
44 in section 374.700, without being duly
45 licensed under sections 374.700 to 374.775
46 is:
47 (1) For the first such offense, guilty
48 of an infraction;

1 (2) For the second and each subsequent
2 offense, guilty of a class A misdemeanor.

3 2. Any licensed bail bond agent who
4 knowingly violates the provisions of one or
5 more of subdivisions (3), (4), (10), (11),
6 (12), (13), (14), or (15) of subsection 1 of
7 section 374.755 shall be guilty of a class B
8 misdemeanor.]

9 [436.200. As used in this act the
10 following terms shall mean:

11 (1) "Agent contract", any contract or
12 agreement pursuant to which a student athlete
13 authorizes an athlete agent to represent him
14 in the marketing of his athletic ability or
15 reputation in a sport;

16 (2) "Athlete agent", a person that, for
17 compensation, directly or indirectly recruits
18 or solicits a student athlete to enter into
19 an agent contract, financial services
20 contract or professional sports services
21 contract;

22 (3) "Financial services contract", any
23 contract or agreement pursuant to which a
24 student athlete authorizes an athlete agent
25 to provide financial services for the student
26 athlete, including but not limited to the
27 making and execution of investment and other
28 financial decisions by the athlete agent on
29 behalf of the student athlete;

30 (4) "Person", an individual, company,
31 corporation, association, partnership or
32 other entity;

33 (5) "Professional sports services
34 contract", any contract or agreement pursuant
35 to which a student athlete authorizes an
36 athlete agent to obtain employment for the
37 student athlete with a professional sports
38 team or as a professional athlete;

39 (6) "Student athlete", any athlete who
40 practices for or otherwise participates in
41 intercollegiate athletics at any college or
42 university located within this state.]

43 [436.205. 1. Each athlete agent must
44 register biennially with the secretary of
45 state on forms to be provided by the
46 secretary of state and, at the same time, pay
47 to the secretary of state a registration fee
48 of five hundred dollars for which the

1 secretary of state shall issue a registration
2 certificate entitling the holder to operate
3 as an athlete agent for a period of two
4 years.

5 2. When the business address of any
6 athlete agent operating in this state is
7 changed, the athlete agent must notify the
8 secretary of state within thirty days after
9 the change of address.

10 3. It is unlawful for any person to
11 operate as an athlete agent unless he is
12 registered as provided in this section.
13 Failure of the athlete agent to register is a
14 class B misdemeanor.

15 4. The secretary of state may suspend
16 or revoke the registration of any athlete
17 agent for failing to comply with the
18 provisions of this section. The suspension
19 or revocation of any registration may be
20 reviewed by a court of competent
21 jurisdiction.]

22 [436.209. 1. A student athlete who is
23 subject to the rules and regulations of the
24 National Collegiate Athletic Association, the
25 National Association for Intercollegiate
26 Athletics, or the National Junior College
27 Athletic Association, and who enters into an
28 agent contract, financial services contract
29 or professional sports services contract with
30 an athlete agent must provide written
31 notification to the athletic director or the
32 president of the college or university in
33 which he is enrolled that he has entered into
34 such a contract. Written notification must
35 be given prior to practicing for or
36 participating in any athletic event on behalf
37 of any college or university or within
38 seventy-two hours after entering into the
39 contract, whichever occurs first. Failure of
40 the student athlete to provide this
41 notification is an infraction.

42 2. An athlete agent who enters into an
43 agent contract, financial services contract
44 or professional sports services contract with
45 a student athlete who is subject to the rules
46 and regulations of the National Collegiate
47 Athletic Association, the National
48 Association for Intercollegiate Athletics, or
49 the National Junior College Athletic

1 Association must provide written notification
2 to the athletic director or the president of
3 the college or university in which the
4 student athlete is enrolled that the student
5 athlete has entered into such a contract.
6 Written notification of such a contract must
7 be given prior to the student athlete's
8 practicing for or participating in any
9 athletic event on behalf of any college or
10 university or within seventy-two hours after
11 entering into said contract, whichever occurs
12 first. Failure of the athlete agent to
13 provide this notification is a class B
14 misdemeanor.

15 3. An agent contract, financial
16 services contract or professional sports
17 services contract between a student athlete
18 and an athlete agent must have a notice
19 printed near the space for the student
20 athlete's signature which must contain the
21 following statement in ten-point boldfaced
22 type: "WARNING: IF YOU AS A STUDENT ATHLETE
23 SIGN THIS CONTRACT, YOU MAY LOSE YOUR
24 ELIGIBILITY TO COMPETE IN INTERCOLLEGIATE
25 ATHLETICS. Pursuant to MISSOURI LAW, YOU
26 MUST NOTIFY THE ATHLETIC DIRECTOR OR
27 PRESIDENT OF YOUR COLLEGE OR UNIVERSITY IN
28 WRITING PRIOR TO PRACTICING FOR OR
29 PARTICIPATING IN ANY ATHLETIC EVENT ON BEHALF
30 OF ANY COLLEGE OR UNIVERSITY OR WITHIN
31 SEVENTY-TWO HOURS AFTER ENTERING INTO THIS
32 CONTRACT, WHICHEVER OCCURS FIRST. FAILURE TO
33 PROVIDE THIS NOTICE IS A CRIMINAL OFFENSE."

34 4. An agent contract, financial
35 services contract or professional sports
36 services contract entered into between a
37 student athlete and an athlete agent which
38 fails to provide the notification required by
39 this section is null, void and unenforceable.

40 5. Any student athlete or athlete agent
41 who enters into an agent contract, financial
42 services contract or professional sports
43 services contract and fails to provide the
44 notification required by this section, is
45 liable to the college or university in which
46 the student athlete is enrolled for damages
47 that result from the student athlete's
48 subsequent ineligibility. In addition to any
49 damages awarded pursuant to this section,
50 additional damages may be assessed in an

1 amount equal to three times the value of the
2 athletic scholarship furnished by the
3 institution to the student athlete during the
4 student athlete's period of eligibility.

5 6. Within ten days after the date on
6 which the contractual relationship between
7 the athlete agent and the student athlete
8 arises or after notification of such
9 contractual relationship is received by the
10 athletic director or president of the college
11 or university in which the student is
12 enrolled, whichever occurs later, the student
13 athlete shall have the right to rescind the
14 contract or any contractual relationship with
15 the athlete agent by giving notice in writing
16 of his intent to rescind. The student
17 athlete may not under any circumstances
18 effect a waiver of his right to rescind, and
19 any attempt to do so shall be null, void and
20 unenforceable.]

21 [436.212. 1. An athlete agent shall
22 not publish or cause to be published false or
23 misleading information or advertisements, nor
24 give any false information or make false
25 promises to a student athlete concerning
26 employment.

27 2. An athlete agent shall not accept as
28 a client a student athlete referred by an
29 employee of or a coach for a college or
30 university located within this state in
31 exchange for any consideration.

32 3. An athlete agent shall not enter
33 into any agreement, written or oral, by which
34 the athlete agent offers anything of value to
35 any employee of or a coach for a college or
36 university located within this state in
37 return for the referral of any student
38 athlete clients by that employee or coach.

39 4. An athlete agent shall not offer
40 anything of value to induce a student athlete
41 to enter into an agent contract, financial
42 services contract, professional sports
43 services contract or other agreement by which
44 the athlete agent will represent the student
45 athlete. Negotiations regarding the athlete
46 agent's fee shall not be considered an
47 inducement.

48 5. A person shall not conduct business
49 as an athlete agent if he is not registered

1 or if his registration is suspended or
2 revoked.

3 6. Violation of any provision of this
4 section is a class B misdemeanor.]

5 [544.650. Whenever any bail bond or
6 recognizance has been given or entered into
7 in any criminal proceedings, conditioned for
8 the appearance of any person charged with,
9 indicted for or convicted of any criminal
10 offense, or for any other purpose, and the
11 conditions thereof shall become broken or the
12 same shall be forfeited, it shall be lawful
13 and sufficient to serve the writ of scire
14 facias or other writ or process which may be
15 issued in such proceeding, either by
16 delivering a duly certified copy of such writ
17 or process to the person therein named, or by
18 leaving such duly certified copy of such writ
19 or process at the usual place of abode of the
20 person therein named, with a member of his
21 family over the age of fifteen years.]